FEDERAL REGISTER

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Pages 3735–3803

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Announcing a New Statutory Citations Guide

How to Find U.S. Statutes and U.S. Code Citations

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Title 3—THE PRESIDENT

Proclamation 3645

PROVIDING FEDERAL ASSISTANCE IN THE STATE OF ALABAMA

By the President of the United States of America

A Proclamation

WHEREAS, On March 17, 1965, the United States District Court for the middle district of Alabama entered an order in the case of Williams et al., Plaintiffs, United States of America, Plaintiff-Intervenor v. Wallace et al., Defendants, Civil Action No. 2181-N, approving an exercise by the Plaintiffs and the members of the class they represent of their right to march along United States Highway 80 from Selma to Montgomery, Alabama, commencing in Selma, Alabama, not earlier than Friday, March 19, 1965, and not later than Monday, March 22, 1965, and terminating in Montgomery, Alabama, within five days from commencement; and

WHEREAS, in relation to such judicial order and march the Governor of the State of Alabama has advised me that the state is unable and refuses to provide for the safety and welfare, among others, of the plaintiffs and the members of the class they represent; and

WHEREAS, as a consequence of such inability and refusal of the State of Alabama, and by reason of recent events in and about Selma and Montgomery, Alabama, there is a substantial likelihood that domestic violence may occur in connection with such march, with the consequence of obstructing the execution and enforcement of the laws of the United States, including the aforesaid judicial order:

NOW, THEREFORE, I, Lyndon B. Johnson, President of the United States of America, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333, and 334 thereof, do command all persons engaged or who may engage in such domestic violence obstructing the execution and enforcement of the laws to cease and desist therefrom and to disperse and retire peaceably forthwith.

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

Done at Johnson City, Texas, this twentieth day of March in the Year of our Lord Nineteen hundred and sixty-five, and of the
[SEAL] Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON
March 20, 1965
1:28 a.m.

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-3022; Filed, Mar. 20, 1965; 7:40 p.m.]

Executive Order 11206

INSPECTION OF INTEREST EQUALIZATION TAX RETURNS

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), as amended by section 3(c) of the Interest Equalization Tax Act (78 Stat. 844), it is hereby ordered that returns made in respect of the tax imposed by chapter 41 of such Code shall be open to inspection by certain classes of persons and State and Federal government establishments in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6543, relating to inspection and use of returns by such classes of persons and State and Federal government establishments, approved by the President on January 17, 1961, the amendment thereto approved by the President on April 4, 1963, and the amendment thereto approved by me this date.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 18, 1965.

[F.R. Doc. 65-3065; Filed, Mar. 22, 1965; 11:05 a.m.]

Executive Order 11207

PROVIDING FEDERAL ASSISTANCE IN THE STATE OF ALABAMA

WHEREAS, on March 20, 1965, I issued proclamation No. 3645, pursuant in part to the provisions of Section 334 of Title 10, United States Code; and

WHEREAS, the likelihood of domestic violence and obstruction of the execution and enforcement of the laws of the United States referred to therein continues:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333, and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed, for the period commencing with the signing of this order and ending as soon as practicable after the termination of the march referred to in the above-mentioned proclamation, to take all appropriate steps, including the provision of assistance to the law enforcement agencies of the State of Alabama, to remove obstructions to the execution and enforcement of the laws of the United States in that state, including the order of the court referred to in the above-mentioned proclamation, and to suppress domestic violence in any way related to the said march.

SEC. 2. In furtherance of the authorization and direction contained in Section 1 hereof, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SEC. 3. I hereby authorize and direct the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units or members of the Army National Guard and of the Air National Guard of the State of Alabama to serve in the active military service of the United States until relieved by appropriate orders. The Secretary of Defense is further authorized to recall any unit or member so relieved if he deems such recall appropriate to carry out the purposes of this order. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, called or recalled into the active military services of the United States pursuant to this section.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

LYNDON B. JOHNSON
March 20, 1965
1:30 a.m.

THE WHITE HOUSE

[F.R. Doc. 65-3023; Filed, Mar. 20, 1965; 7:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the redesignation of one of the positions of Special Assistant to the Assistant Secretary for Legislation to Deputy Assistant Secretary for Legislative Services. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (f) of § 213.3316 is amended and subparagraph (6) is added to paragraph (f) as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(f) *Office of the Assistant Secretary for Legislation.*

(1) Two Special Assistants to the Assistant Secretary.

* * * * *

(6) One Deputy Assistant Secretary for Legislative Services.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-2911; Filed, Mar. 22, 1965; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

PART 300—ADMINISTRATIVE PROVISIONS

Part 300 of Chapter III, Title 6, Code of Federal Regulations (29 F.R. 3799), is revised to include reference to authorities under the Economic Opportunity Act of 1964 and the 1964 Amendments to the Alaska Omnibus Act, to include other miscellaneous amendments, and to read as follows:

Subpart A—Organization and General Functions of the Farmers Home Administration

Sec.
300.1 General.
300.2 National Office.
300.3 State Offices.
300.4 County Offices.

Subpart B—Assignment of Functions

Sec.
300.11 Functions assigned to the Farmers Home Administration.
300.12 Functions reserved by the Secretary of Agriculture.

Subpart C—Delegations of Authority

300.21 General.
300.22 National Office Staff and State Directors.
300.23 State Office Staff and County Office employees.
300.24 Ratification.
300.25 Effect on other regulations.

Subpart A—Organization and General Functions of the Farmers Home Administration

AUTHORITY: The provisions of this Subpart A issued under 5 U.S.C. 1002 and in conformity with Orders of Sec. of Agr., Nov. 27, 1964, Dec. 3, 1964 (29 F.R. 16210, 16840).

§ 300.1 General.

The Farmers Home Administration was established by Order of the Secretary of Agriculture, dated August 14, 1946 (11 F.R. 9007). Its organization consists of a National Office located in the South Building of the United States Department of Agriculture in Washington, D.C.; a National Finance Office located in St. Louis, Mo.; 42 State Offices (some serving more than one State); and approximately 1,500 local County Offices. This Agency is responsible for loan, grant, and other assistance programs, including Farm Operating, Farm Ownership, Soil and Water, Rural Housing, Emergency, Watershed, Rural Areas Development, and Rural Renewal programs and, in conjunction with the Office of Economic Opportunity, certain loan programs under the Economic Opportunity Act of 1964, and the servicing of similar type loans made by predecessor agencies. The foregoing programs are administered in accordance with regulations and delegations of authority and assignments of functions published in the FEDERAL REGISTER. The regulations are codified in Chapter III, Title 6, Code of Federal Regulations. A general description of the functions of the offices and divisions of the National Office and of the State and County Offices is contained in §§ 300.2–300.4.

§ 300.2 National Office.

(a) *Administrator and Deputy Administrator*—(1) *Administrator.* Responsible for the development of policies and procedures and general direction and supervision of programs assigned to the Farmers Home Administration, under the general direction of the Assistant Secretary for Rural Development and Conservation.

(2) *Deputy Administrator.* Assists the Administrator in formulating and administering the policies and programs of the Farmers Home Administration. Serves as Acting Administrator in the absence of the Administrator.

(b) *Assistant Administrators.* Assist the Administrator in the direction and supervision of the Farmers Home Administration programs as follows:

(1) *Assistant Administrator (Operating Loans).* Responsible for the activities of the Operating and Emergency Loan Divisions.

(2) *Assistant Administrator (Real Estate Loans).* Responsible for the activities of the Farm Ownership and Rural Housing Loan Divisions.

(3) *Assistant Administrator (Community Services).* Responsible for the activities of the Association and Rural Renewal Loan Divisions.

(4) *Assistant Administrator (Management).* Responsible for the activities of the National Finance Office, and the Budget, Personnel, and Business Services Divisions.

(5) *Assistant Administrator (Insured Loan Funds).* Responsible for the insured loan funds activities.

(c) *Staff Offices.* Assist the Administrator in the direction and supervision of the following functions:

(1) *Farm Planning and Supervision Staff.* Responsible for the overall program of farm and home planning and supervision under the several loan programs.

(2) *Program Development and Administrative Coordination Staff.* Responsible for program planning, scheduling and evaluation; developing, coordinating and evaluating training programs; evaluating workloads and staffing; reports and statistical information, and coordination of the review of internal audit reports in the National Office.

(d) *Staff Division.* The Information Division reports directly to the Administrator and is responsible for informational activities. It develops and recommends policies and procedures with respect to such activities, and provides technical advice and assistance to field personnel.

(e) *Program Divisions Under the Direction of the Assistant Administrator (Operating Loans).* Each of the following Divisions is responsible to the Assistant Administrator (Operating Loans) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction.

(1) *Operating Loan Division.* Responsible for operating loan program, and delegated responsibility for section 302 loans to individuals under the Economic Opportunity Act of 1964 and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(2) *Emergency Loan Division.* Responsible for Emergency loan program, and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(f) *Program Divisions Under the Direction of the Assistant Administrator (Real Estate Loans).* Each of the following Divisions is responsible to the Assistant Administrator (Real Estate Loans) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction.

(1) *Farm Ownership Loan Division.* Responsible for the Farm Ownership and individual Soil and Water loan programs and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(2) *Rural Housing Loan Division.* Responsible for Rural Housing loan and grant programs.

(g) *Program Divisions Under the Direction of the Assistant Administrator (Community Services).* Each of the following Divisions is responsible to the Assistant Administrator (Community Services) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering programs under its jurisdiction:

(1) *Rural Renewal Division.* Responsible for Rural Renewal and Resource Conservation and Development programs and Rural Areas Development activities of the Farmers Home Administration, for coordination of Rural Renewal project activities of all agencies of the Department of Agriculture, and for otherwise assisting in the Rural Areas Development program of the Department of Agriculture. Also maintains liaison with other agencies of the Executive Branch in connection with these activities.

(2) *Association Loan Division.* Responsible for Soil and Water association and Watershed programs of loans and advances, including delegated responsibility for loans to cooperative associations under section 303 of the Economic Opportunity Act of 1964, and servicing of similar type loans made by Farmers Home Administration and predecessor agencies.

(h) *The National Finance Office and the Service Divisions of the National Office.* Each of the following Divisions is responsible to the Assistant Administrator (Management) for developing and recommending policies and procedures, for providing advice and assistance to field personnel, and for otherwise assisting in administering functions under its jurisdiction.

(1) *National Finance Office.* Responsible for fiscal and accounting activities and providing service to field offices in connection with supplies, space, property, and purchasing.

(2) *Budget Division.* Responsible for the budget activities, including those pertaining to the State Rural Rehabilitation Corporations.

(3) *Personnel Division.* Responsible for personnel activities, including employment, classification, salary administration, employee relations and development, training, safety, health, and disciplinary actions.

(4) *Business Services Division.* Reponsible for business services, including rules and regulations, forms control, organization, management improvement, property and space management, travel authorizations, and communications, and records management.

§ 300.3 State Offices.

Each State Office is under the supervision of a State Director who is responsible to the Administrator, in accordance with established policies and delegated authorities, for the Farmers Home Administration programs in one or more States. State Advisory Committees serve in an advisory capacity to the State Directors on all phases of the Farmers Home Administration programs.

§ 300.4 County Offices.

Each County Office is under the direction of a County Supervisor who is responsible to the State Director, in accordance with established policies and procedures, for the Farmers Home Administration programs in one or more counties. Usually, this office is located in a county seat; however, depending upon the volume of business in certain counties, the County Office located in one county may also serve one or more adjoining counties. The local County Office is the normal channel through which the public is expected to seek information, make application for assistance, and conduct business with the Farmers Home Administration. County or Area Committees, composed of three individuals residing in the county or area, all of whom at the time of appointment shall be farmers, review applications for Farmers Home Administration assistance, make certifications and recommendations with respect to loans, grants, debt settlement, and release from personal liability, and advise on all phases of the Farmers Home Administration programs in the county or area.

Subpart B—Assignment of Functions

AUTHORITY: The provisions of this Subpart B issued under Secretary's Order of Dec. 3, 1964 (29 F.R. 16840).

§ 300.11 Functions assigned to the Farmers Home Administration.

In the above authority the Secretary of Agriculture assigned and transferred to the Farmers Home Administration all of the functions, powers, duties, and assets under or with respect to:

(a) The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies; the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C. The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), was made effective on October 15, 1961 (20 F.R. 10031), except (1) the authorization to make and sell insured loans which was made effective by regulations issued on September 13, 1961 (26 F.R. 9307), and (2) the provision of Title IV of the Bankhead-Jones Farm Tenant Act requiring mineral reservations in lands disposed of under Title III of the Act which remained effective until December 7, 1961 (26 F.R. 10031).

(b) Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

(c) The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation and other agreements entered into pursuant thereto.

(d) Section 8, and those with respect to repayment of the obligations under section 4, of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(e) Rural Areas Development Program activities consisting of (1) furnishing technical information and services in initiating and implementing projects, (2) certifying individual overall economic development programs in rural areas as being consistent with the general objectives of the economic development of rural areas of the United States, and (3) certifying industrial and commercial water facility projects and community facility projects as being consistent with approved overall economic development programs for the areas involved. The foregoing are part of the functions, powers, and duties under the Area Redevelopment Act (42 U.S.C. 2501), delegated by the Secretary of Commerce to the Secretary of Agriculture (26 F.R. 9933).

(f) Rural Renewal Program activities consisting of making loans, making advances for technical assistance, coordination, direction, and supervision of Rural Renewal Projects, and assistance in planning, developing, and carrying out such projects under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(g) Section 51(a) of the Alaska Omnibus Act (Note preceding 48 U.S.C. 21).

(h) Loan programs under Part A of Title III and the necessarily related functions in Title VI of the Economic Opportunity Act of 1964 (42 U.S.C. 2841-2845, 2942, 2946) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture (29 F.R. 14764).

(i) Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(j) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 486).

§ 300.12 Functions reserved by the Secretary of Agriculture.

The following functions relating to the assignments described in § 300.11 have been reserved by the Secretary in the above cited authorities:

(a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485(b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3 (d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $135,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

(b) With respect to the functions assigned in § 300.11(h):

(1) Prescribing rules and regulation jointly with the Director of the Office of Economic Opportunity.

(2) Requesting the Director of the Office of Economic Opportunity to make advances to the revolving fund established pursuant to section 606 of the Economic Opportunity Act of 1964.

(3) Requesting reimbursement from the Director of the Office of Economic Opportunity for the performance of such assigned functions.

(c) Designating areas in which emergency loans may be made (7 U.S.C. 1961).

Subpart C—Delegations of Authority

AUTHORITY: The provisions of this Subpart C issued under Orders of Sec. of Agr., Nov. 27, 1964, Dec. 3, 1964 (29 F.R. 16210, 16840); 7 U.S.C. 1006a, 1006b, 1011(e), 1921, 16 U.S.C. 1004, 1006a, 40 U.S.C. 440, 486, 42 U.S.C. 1471, 2841-2854, 2942, 2946, 43 U.S.C. 451f, Note preceding 48 U.S.C. 21.

§ 300.21 General.

The authorities contained in this Subpart C apply to all assets, functions, and programs now or hereafter administered or serviced by the Farmers Home Administration, including but not limited to those relating to indebtedness, security, and other assets obtained or contracted through the Secretary of Agriculture, Resettlement Administration, Farm Security Administration, Emergency Crop and Feed Loan Offices of the Farm Credit Administration, Soil Conservation Service in connection with water conservation and utilization projects, Puerto Rico Hurricane Relief Commission and successor agencies in connection with Puerto Rican Hurricane Relief loans to individuals, State Rural Rehabilitation Corporations, the United States of America or its officials as trustee of the assets of State Rural Rehabilitation Corporations, Regional Agricultural Credit Corporations, Defense Relocation Corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies, and whether the interest of the United States in the indebtedness, instrument of debt, security, security instrument, or other assets is that of obligee, owner, holder, insurer, assignee, mortgagee, beneficiary, trustee or other interest.

§ 300.22 National Office Staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, are severally authorized, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making and insuring loans, making grants and advances, servicing loans and other indebtedness, and obtaining, servicing, and enforcing security and other instruments related thereto: The Deputy Administrator; the Assistant Administrator (Operating Loans); the Assistant Administrator (Real Estate Loans); the Assistant Administrator (Community Services); the Director, National Finance Office; each Deputy Director and the Insured Loan Officer, National Finance Office; the Director, Operating Loan Division; the Director, Emergency Loan Division; the Director, Rural Renewal Division; the Director, Farm Ownership Loan Division; the Director, Rural Housing Loan Division; the Director, Association Loan Division; and each State Director within the area of his jurisdiction; and in the absence or disability of any such official, the person acting in his position; and the delegates of any such official. This authority includes but is not limited to authority to:

(a) Effect the assignment of, or the declaration of trust with respect to, insured security instruments to place them in trust with the United States of America as trustee for the benefit of any holder of the promissory note or bond secured by such security instrument.

(b) Acknowledge receipt of notice of sale or assignment of insured loans and security instruments.

(c) Appoint or request the appointment of substitute trustees in deeds of trust.

(d) Execute proofs of claim in bankruptcy, death, and other cases.

(e) Sell or otherwise dispose of real estate or interests therein, and execute and deliver quitclaim deeds, easements, right-of-way conveyances, and other instruments to effectuate such sale or disposition.

(f) Compromise, adjust, cancel, release, charge off, and liquidate indebtedness, including modification of contracts and other instruments.

(g) Consent to sale or assignment of, or sell or assign, direct or insured loans and security instruments, and execute any necessary assignments, endorsements, reinsurance agreements, or other instruments in connection therewith.

(h) Approve and accept transfers of security property or interests therein to the United States of America, and approve and consent to transfers of security property or interests therein to other parties.

(i) Accelerate and declare entire real estate indebtedness due and payable, foreclose or request foreclosures of real estate security instruments by exercise of power of sale or otherwise, and bid for and purchase at any foreclosure or other sale or otherwise acquire real property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(j) Execute agreements to insure and reinsure, and to purchase and repurchase insured loans and security instruments.

(k) Request loan checks from lenders for loans to be insured, insure loans by execution of insurance endorsements, and endorse promissory notes in connection with insurance of loans.

(l) Execute and deliver or approve in writing, suspensions, releases or terminations of assignments of income, renewals, extensions, partial and full releases and satisfactions of security and personal or indemnity liability for indebtedness, waivers, subordination agreements, severance agreements, affidavits, acknowledgments, certificates of residence, evidence of consent, and other instruments or documents.

(m) Require and accept further or additional security.

(n) Accelerate and declare entire nonreal estate indebtedness due and payable, and foreclose or request foreclosure of chattel security instruments by exercise of power of sale or otherwise.

(o) Bid for and purchase at any foreclosure or other sale, or otherwise acquire personal property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(p) Take possession of, maintain, and operate security or acquired real or personal property or interests therein, sell or otherwise dispose of such personal property, and execute and deliver contracts, caretaker's agreements, leases, and other instruments in connection therewith, as appropriate.

(q) Execute proofs of loss on insurance contracts and endorse without recourse less payment drafts and checks.

(r) Issue, publish and serve notices and other instruments.

(s) File or record instruments, whether separate instruments, or by making marginal entries, or by use of other methods permissible under State law.

§ 300.23 State Office Staff and County Office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (s), both inclusive, of § 300.22: Chief, Program Operations; Chief, Real Estate Loans; Chief, Operating Loans; Program Loan Officer; Real Estate Loan Officer; Operating Loan Officer; and State Supervisor; each Area Supervisor, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan

Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such official or employee, the person acting in his position.

§ 300.24 Ratification.

All written instruments affecting title to real or personal property, including but not limited to deeds, releases, satisfactions, subordination agreements, severance agreements, consents, waivers, assignments, declarations of trust, and heretofore executed by officials or employees of the agencies or other entities referred to in § 300.21 to carry out any purpose authorized by law, incident to the administration of programs under the jurisdiction of said agencies or other entities, are hereby approved, confirmed, and ratified.

§ 300.25 Effect on other regulations.

This Subpart C does not revoke or modify any other delegation or redelegation; instruction, procedure, or regulation issued by, or under authority of, the Administrator of the Farmers Home Administration.

Dated: March 17, 1965.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 65-2963; Filed, Mar. 22, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

DELETION FROM LIST OF COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Phillips County, Colo., is hereby deleted from the list of counties published in the FEDERAL REGISTER on March 4, 1965 (30 F.R. 2781), which were designated for barley crop insurance for the 1966 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-2964; Filed, Mar. 22, 1965; 8:48 a.m.]

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

[Lemon Reg. 152, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment untill 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.452 (Lemon Reg. 152, 30 F.R. 3373) are hereby amended to read as follows:

§ 910.452 Lemon Regulation 152.

* * * * *

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

(i) District 1: 16,740 cartons;

(ii) District 2: 223,200 cartons.

* * * * *

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

Dated: March 18, 1965.

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

[F.R. Doc. 65-2940; Filed, Mar. 22, 1965; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Order; Milk), Department of Agriculture

[Milk Order 13]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

§ 1013.0 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 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 Southeastern Florida 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) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 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 Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1013.11(a) is revised to read as follows:

§ 1013.11 Pool plant.

* * * * *

(a) A plant at which the total Class I milk during the month is equal to not less than 50 percent of the receipts at the plant during the month of milk from dairy farmers who meet the inspection requirements pursuant to § 1013.7 and

other receipts in the form of milk products designated as Class I milk pursuant to § 1013.41(a) and from which an amount of Class I milk equal to not less than 10 percent of such receipts is disposed of during the month in the marketing area on routes;

* * * * *

§ 1013.44 [Amended]

2. In § 1013.44(a)(2), the reference "§ 1013.46(a)(3)" is revised to read "§ 1013.46(a)(3) and (3–a)".

3. In § 1013.46(a), subparagraphs (3), (4) and (8)(i) are revised and a new subparagraph (3–a) is added to read as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.14(b);

(3–a) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of milk products designated pursuant to § 1013.41(a) for which Grade A certification is not established, or which are from unidentified sources;

(ii) Receipts of milk products designated pursuant to § 1013.41(a) from a producer-handler, as defined under this or any other Federal order; and

(iii) Other source milk received from dairy farmers;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of milk and skim milk from an unregulated supply plant:

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of milk products designated pursuant to § 1013.41(a) in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization, respectively, was requested by the operator of such plant and the handler;

* * * * *

(8) * * *

(i) In series beginning with Class IV and thereafter from Class III and Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.22(1) or the percentage that Class II, Class III and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

* * * * *

4. Section 1013.50 is revised to read as follows:

§ 1013.50 Class prices.

Subject to the provisions of § 1013.51, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the price, rounded to the nearest cent, obtained by adding to or subtracting from $6.625 the supply-demand adjustment pursuant to paragraph (c) of this section: *Provided,* That the price shall neither exceed by more than $4.00 the price calculated pursuant to paragraph (b) of this section nor be less than the price calculated pursuant to paragraph (b) of this section plus $2.75;

(b) Calculate the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

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

Present Operator and Location
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price for the preceding month by 3.5, add 20 percent thereof, and add to such sum 7.5 times the amount by which the Chicago powder price for the preceding month exceeds 5 cents.

(c) The supply-demand adjustment shall be calculated as follows:

(1) The "supply-demand percentage" for a month means the quantity of producer milk during the second and third preceding months expressed as a percent of the gross Class I disposition of all pool plants during the same months, rounded to the nearest whole percent.

(2) The "standard utilization percentage" for each month means the percentage shown in the right-hand column of the following schedule in the same line with the month in the left-hand column:

Months for which price applies	Months for which utilization is computed	Standard utilization percentage
January	October–November	105
February	November–December	105
March	December–January	105
April	January–February	105
May	February–March	108
June	March–April	112
July	April–May	114
August	May–June	114
September	June–July	112
October	July–August	108
November	August–September	105
December	September–October	105

(3) The "deviation percentage" for a month means the difference between the supply-demand percentage for the month and the corresponding standard utilization percentage, the direction of such deviation to depend on whether it is above or below the standard utilization percentage.

(4) Compute the deviation percentages for the current and two preceding months, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of a more recent month, compute a sum from the remaining deviation percentages which excludes any amount by which any of such deviation percentages exceeds any of such deviation percentages for a more recent month.

(5) If the current month's supply-demand percentage is less than the corresponding standard utilization percentage, increase the Class I price by the number of cents which is 1½ times the sum computed pursuant to subparagraph (4) of this paragraph; and if the current month's supply-demand percentage is more than the corresponding standard utilization percentage, decrease the Class I price by the number of cents which is 1½ times the sum computed pursuant to subparagraph (4) of this paragraph.

(d) *Class II milk price.* The Class II price per hundredweight shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5; and

(2) Add 2.5 cents to the Chicago powder price and multiply the result by 8.5.

(e) *Class III milk price.* The Class III price per hundredweight shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5; and

(2) Deduct 8 cents from the Chicago powder price and multiply the result by 8.5.

(f) *Class IV milk price.* The Class IV price per hundredweight shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.70 [Amended]

5. In § 1013.70(d), the reference "§1013.46(a)(3)" is revised to read "§ 1013.46(a)(3) and (3–a)".

§ 1013.72 [Amended]

6. In § 1013.72, the reference "4.0" is revised to read "3.5".

§ 1013.86 [Amended]

7. In § 1013.86(a)(2), the reference "§ 1013.46(a)(3) and (7)" is revised to read "§ 1013.46(a)(3), (3–a) and (7)".

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

Effective date: May 1, 1965.

Signed at Washington, D.C., on March 18, 1965.

George L. Mehren,
Assistant Secretary.

[F.R. Doc. 65-2941; Filed, Mar. 22, 1965; 8:47 a.m.]

[Milk Order 99]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

§ 1099.0 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 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 Paducah, Kentucky, 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;

(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.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to:

(1) Producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1099.10(e);

(2) Other source milk allocated to Class I pursuant to § 1099.45(a)(3) and (7) and the corresponding steps of § 1099.45(b); and

(3) Packaged Class I milk disposed of from a partially regulated distributing plant on route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1965. 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 Deputy Administrator was issued January 6, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 25, 1965. 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 April 1, 1965, 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 sec. 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 herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and 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 Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1099.5 is revised to read as follows:

§ 1099.5 Paducah, Kentucky, marketing area.

The "Paducah, Kentucky, marketing area", hereinafter called the "marketing area", means all the territory within the counties listed below (except that portion of any of these counties contained in the Fort Campbell military reservation):

KENTUCKY COUNTIES

Ballard.	Livingston.
Caldwell.	Lyon.
Calloway.	Marshall.
Carlisle.	McCracken.
Christian.	Todd.
Graves.	Trigg.
Hickman.	

MISSOURI COUNTIES

Mississippi.	Pemiscot.
New Madrid.	Scott.

2. Section 1099.6 is revised to read as follows:

§ 1099.6 Distributing plant.

"Distributing plant" means a plant in which milk is processed and packaged and from which Class I milk is disposed of during the month as route disposition (including route disposition by vendors) or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

3. Section 1099.8 is revised to read as follows:

§ 1099.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which 45 percent or more of its receipts of producer milk and pool milk from plants qualified pursuant to paragraph (b) of this section is disposed of as Class I milk on route disposition during the month and from which a daily average of 3,000 pounds or more per day, or 10 percent or more of the plant's receipts of producer milk and pool milk from plants qualified pursuant to paragraph (b) of this section, whichever is less, is disposed of as fluid milk products on route disposition in the marketing area: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as Class I milk on route distribution is equal to not less than 50 percent of the pool milk received at the plant: *Provided*, That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section, milk, skim milk and cream equal to at least 75 percent of its producer milk in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before

the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the terms of this proviso.

§ 1099.9 [Amended]

4. In § 1099.9(c) "routes" is revised to read "route disposition".

5. In § 1099.10, paragraph (e)(1) is revised to read as follows:

§ 1099.10 Handler.

* * * * *

(e)(1) A cooperative association which chooses to report as a handler with respect to milk which is delivered to a pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association.

* * * * *

6. Section 1099.11 is revised to read as follows:

§ 1099.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1099.10(e).

7. Section 1099.13 is revised to read as follows:

§ 1099.13 Producer milk.

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

(a) Received during the month at a pool plant directly from producers or received by a cooperative association pursuant to § 1099.10(e): *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk;

(b) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant at which the handling of milk is not subject to pricing and pooling under the terms of provisions of another order issued pursuant to the Act, subject to the following conditions:

(1) Any number of days during the months of February through August;

(2) To the extent of not more than 10 days' production during the months of September through January: *Provided*, That no milk so diverted shall be considered to have been received at a pool plant from a producer if production of more than 10 days is diverted in any month during such September through January period; and

(3) Milk diverted for the account of a handler in his capacity as an operator of a pool plant shall be deemed to have been received at the pool plant from which diverted and milk diverted for the account of a cooperative association shall be deemed to have been received by a cooperative association at a pool plant at a location identical with that of the pool plant from which diverted.

8. Section 1099.14 is revised to read as follows:

§ 1099.14 Pool milk.

"Pool milk" means skim milk or butterfat contained in producer milk or in fluid milk products received from a pool plant (except the plant of a producer-handler) which are approved by the appropriate health authority for distribution as Class I milk in the marketing area.

9. Section 1099.16 is revised to read as follows:

§ 1099.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks (modified or fortified, including dietary products) and reconstituted milk or skim milk; concentrated milk not sterilized in hermetically sealed containers; cream, sweet and sour; and mixtures of cream and milk or skim milk but not including the following: Frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog and boiled custard, ice cream, and ice cream and ice milk mixes, and cream or mixtures of cream with milk or skim milk sterilized in hermetically sealed containers.

10. A new § 1099.17 is added to read as follows:

§ 1099.17 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

11. A new § 1099.18 is added to read as follows:

§ 1099.18 Chicago butter price.

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

§ 1099.30 [Amended]

12. In § 1099.30 in the introductory paragraph "on routes" is revised to read "as route disposition".

§ 1099.41 [Amended]

12a. Section 1099.41(b)(4)(i) is revised to read as follows: "(i) producer milk (except milk diverted pursuant to § 1099.13) and milk for which a cooperative association chooses to report as a handler pursuant to § 1099.10(e),".

§ 1099.43 [Amended]

13. In § 1099.43(c)(3) (i) and (ii) "on routes" is revised to read "route disposition".

13a. In § 1099.45, paragraph (a)(9) is revised to read as follows:

§ 1099.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received:

(i) In fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1099.43(a); and

(ii) In milk from a cooperative association which chooses to report as a handler pursuant to § 1099.10(e) pro rata from each class in the same proportion as all producer milk after the subtraction pursuant to subdivision (i) of this subparagraph; and

* * * * *

14. Section 1099.50 is revised to read as follows:

§ 1099.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

15. Section 1099.51 is revised to read as follows:

§ 1099.51 Class prices.

Subject to the provisions of §§ 1099.52 and 1099.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The price of Class I milk for the month shall be the basic formula price for the preceding month plus $1.05 in April, May and June, $1.15 in July and March and $1.45 in the other months: *Provided*, That 10 cents shall be added to the price for Class I milk at pool plants located within that portion of the marketing area in the State of Missouri: *And provided further*, That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965.

(b) *Class II milk price.* The Class II price shall be the basic formula price computed pursuant to § 1099.50.

16. Section 1099.61 is revised to read as follows:

§ 1099.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b) and (c) of this section, the provisions of this part shall not apply except that such handler shall with respect to his total receipts and disposi-

tion of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products is disposed of as route disposition in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is fully regulated by such other order;

(b) A distributing plant meeting the requirements of § 1099.8 which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is so disposed of during the month in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order; and

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1099.8(b) during the preceding August through January period.

§ 1099.62 [Amended]

17. In § 1099.62(b)(1) "route" is revised to read "route disposition".

18. Section 1099.71(b) is revised to read as follows:

§ 1099.71 Computation of uniform prices.

* * * * *

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1099.86 (a) and (c) and subtract an amount equal to the total payments to be made pursuant to § 1099.86(b);

* * * * *

19. Section 1099.86 is revised to read as follows:

§ 1099.86 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which it is diverted at the rates set forth in § 1099.53;

(b) In making payments pursuant to § 1099.80, the uniform price per hundredweight for producer milk received at pool plants located in that portion of the marketing area in the State of Missouri shall be increased by an amount obtained by dividing the total hundredweight of producer milk received at such pool plants during the month into the sum obtained by multiplying the total hundredweight of Class I milk assigned a value pursuant to § 1099.70 at such plants during the month by 10 cents: *Provided*, That the resultant price, rounded to the nearest full cent, shall not be increased pursuant to this paragraph by more than 10 cents; and

(c) For purposes of computations pursuant to §§ 1099.82 and 1099.83 the uniform price shall be adjusted at the rates set forth in § 1099.53 applicable at the location of the nonpool plant from which the milk was received.

20. Section 1099.88 is revised to read as follows:

§ 1099.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1099.10(e), (b) other source milk allocated to Class I pursuant to § 1099.45(a) (3) and (7) and the corresponding steps of § 1099.45(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

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

Effective date: April 1, 1965.

Signed at Washington, D.C., on March 18, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-2942; Filed, Mar. 22, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

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.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

The public hunting of wild turkey gobblers on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,200 acres, is delineated on maps available at refuge headquarters, 13 miles northwest of Brooksville, Miss., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323.

Hunting shall be in accordance with all applicable State regulations governing the hunting of wild turkey subject to the following special conditions:

(1) The turkey hunting season on the refuge extends from April 3 through April 17, Sundays excepted.

(2) Total bag limits: One (1) gobbler per season.

(3) Weapons permitted: shotguns capable of holding no more than three shells; rifles; and bow and arrow.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 17, 1965.

WALTER A. GRESH,
Regional Director,
Bureau of Sport Fisheries and Wildlife.

MARCH 15, 1965.

[F.R. Doc. 65-2955; Filed, Mar. 22, 1965; 8:48 a.m.]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Massachusetts

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

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

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing on the Monomoy National Wildlife Refuge, Mass., is permitted from January 1, 1965 through December 31, 1965 in tidal areas below the mean high water mark. These open areas, comprising 1,000 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Mass., 02111. Sport fishing shall be in accordance with all applicable State and Town regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 11, 1965.

[F.R. Doc. 65-2950; Filed, Mar. 22, 1965; 8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

VARIOUS BUREAU OF MINES SCHEDULES

Fees for Services

On pages 1989–93 of the FEDERAL REGISTER of February 12, 1965, there was

published a notice and text of proposed revisions of the fees and charges for services performed by the Bureau of Mines, U.S. Department of the Interior. The fees and charges are prescribed by regulations in various parts of Chapter 1, Title 30, Code of Federal Regulations.

In accordance with the policy of the Department of the Interior, interested persons were allowed 30 days after the date of publication of the notice in which to submit written comments, suggestions, or objections concerning the proposed revisions.

Comments were received from several sources objecting to the increases in the fees for services. However, as stated in the notice of February 12, 1965, section 5 of the Act of May 16, 1910, as amended (30 U.S.C. 7), requires that the Bureau of Mines be compensated for the entire cost of services rendered for investigation and testing. The fees and charges for services were revised to reflect the entire cost of providing the services, as set forth below.

The revised fees and charges for services performed by the Bureau of Mines, U.S. Department of the Interior, shall apply on and after the date of publication in the FEDERAL REGISTER, regardless of the date of application for such services.

FRANK C. MEMMOTT,
Acting Director, Bureau of Mines.

MARCH 18, 1965.

[Bureau of Mines Schedule 13D]

PART 11—SELF-CONTAINED BREATHING APPARATUS

Section 11.3 of Part 11 of Title 30 is revised to read as follows:

§ 11.3 Fees.

	Apparatus with separate regenerator	Oxygen-generating apparatus	Demand-type apparatus
1. Complete 2-hour self-contained breathing apparatus inspection and tests	$3,120	$3,120	$3,120
2. Complete 1-hour self-contained breathing apparatus inspection and tests	3,000	3,000	3,000
3. Complete ¾-hour self-contained breathing apparatus inspection and tests	3,000	3,000	3,000
4. Complete ½-hour self-contained breathing apparatus inspection and tests	3,000	3,000	3,000
5. Separate preliminary 2-hour apparatus inspection and tests	510	510	510
6. Separate preliminary 1-hour apparatus inspection and tests	500	500	500
7. Separate preliminary ¾-hour apparatus inspection and tests	500	500	500
8. Separate preliminary ½-hour apparatus inspection and tests	500	500	500
9. Separate supplementary facepiece assembly	500	500	500
10. Separate regenerator 2-hour apparatus inspection and tests	510		
11. Separate regenerator 1-hour apparatus inspection and tests	480		
12. Separate regenerator ¾-hour apparatus inspection and tests	480		
13. Separate regenerator ½-hour apparatus inspection and tests	480		
14. Special reducing valve inspection and tests, all models	480	480	480
15. Separate auxiliary parts inspection and tests, per man-day required	50	50	50
16. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun			

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

[Bureau of Mines Schedule 19B]

PART 12—SUPPLIED-AIR RESPIRATORS

Paragraph (c) of § 12.4 of Part 12 of Title 30 is revised to read as follows:

§ 12.4 Conditions under which supplied-air respirators will be tested.

* * * * *

(c) *Fees.*

1. Types A or AE supplied-air respirators (complete)	$675
(i) Blower, single outlet	220
(ii) Each hand-operated blower outlet more than one (at time of blower testing)	20
(iii) Each motor-operated blower outlet more than one (at time of blower testing)	40
(iv) Air-supply line (hose)	240
(v) Body harness	75
(vi) Respiratory-inlet covering (facepiece)	175
2. Types B or BE supplied-air respirators (complete)	$440
(i) Air-supply line (hose)	155
(ii) Body harness	65
(iii) Respiratory-inlet covering (facepiece)	175
3. Types C or CE supplied-air respirators, continuous-flow class (complete)	495
(i) Air-supply line (hose)	200
(ii) Respiratory-inlet covering (facepiece)	180
4. Types C or CE supplied-air respirators, demand class (complete)	645
(i) Air-supply line (hose)	230
(ii) Respiratory-inlet covering (facepiece)	180
5. Types C or CE supplied-air respirators, pressure-demand class (complete)	700
(i) Air-supply line (hose)	230
(ii) Respiratory-inlet covering (facepiece)	230
6. Additional examination and tests of respirator in connection with other tests, per man-day required	$50
7. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

* * * * *

[Bureau of Mines Schedule 14F]

PART 13—GAS MASKS

Paragraph (c) § 13.5 of Part 13 of Title 30 is revised to read as follows:

§ 13.5 Conditions under which gas masks will be tested.

* * * * *

(c) *Fees.*

1. Type A—Acid gases, complete mask	$1,660
2. Type B—Organic vapors, complete mask	745
3. Type C—Ammonia, complete mask	745
4. Type D—Carbon monoxide self-rescuer	855
5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combination with any of the above types. Fee in addition to that required for tests with gases or vapors	665
6. Type AB—Acid gases and organic vapors, complete mask	2,135
7. Complete mask with canister designed for a single gas or vapor	745
8. Facepiece, complete	140
9. Canister alone, fee for complete mask minus fee for facepiece.	
10. Extension of approval to another gas or vapor, or complete retesting with a gas or vapor in case of failure	600
11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes	3,700
12. Additional examination and tests in connection with other tests, per man-day required	50
13. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a gas mask fails to pass any of the required tests and the applicant notifies

the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the gas mask is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

* * * * *

[Bureau of Mines Schedule 21B]

PART 14—FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

Section 14.6 of Part 14 of Title 30 is revised to read as follows:

§ 14.6 Fees.

The following fees are charged for inspecting and testing filter-type dust, fume, or mist respirators. The fees pertain to complete respirators unless otherwise stated.

(a) Dusts having a TLV not less than 0.1 milligram per cubic meter:	
(1) Single-use filter	$450
(2) Reusable filter	625
(b) Dusts having a TLV not less than 2.4 million particles per cubic foot:	
(1) Single-use filter	400
(2) Reusable filter	475
(c) Dusts having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot:	
(1) Single-use filter	505
(2) Reusable filter	715
(d) Fumes of various metals having a TLV not less than 0.1 milligram per cubic meter	750
(e) Dusts having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, and fumes of various metals having a TLV not less than 0.1 milligram per cubic meter	885
(f) Mists of materials having a TLV not less than 0.1 milligram per cubic meter	540
(g) Mists of materials having a TLV not less than 2.4 million particles per cubic foot	540
(h) Mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot	715
(i) Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot	885
(j) Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, and fumes of metals having a TLV not less than 0.1 milligram per cubic meter	1,325
(k) Dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides	945
(l) All dusts, fumes, and mists	1,760
(m) Facepiece only for respirators (a) through (j)	185
(n) Facepiece only for respirators (k) and (l)	665
(o) Additional examinations and tests of respirator in connection with other tests, per man-day	$50
(p) Fees for testing unusually complicated equipment, for unusual tests, for tests not included in this list, or for tests required for extensions of certification, will be charged to cover the actual costs, as determined in advance by the Bureau. The applicant will be notified and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant such part of the fee not required as compensation for its services.

[Bureau of Mines Schedule 23B]

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

Paragraph (d) of § 14a.5 of Part 14a of Title 30 is revised to read as follows:

§ 14a.5 Fees.

* * * * *

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

1. Type B—Organic vapors, complete respirator	$760
2. Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B:	
(i) Pneumoconiosis - producing and nuisance dusts	230
(ii) Toxic dusts	280
(iii) Dusts—combination of (i) and (ii)	325
(iv) Fumes	490
(v) Pneumoconiosis - producing and nuisance mists and chromic-acid mist	515
(vi) Mists of paints, lacquers, and enamels	790
3. Facepiece alone	185
4. Cartridge(s) alone	620
5. Additional examination and tests of respirator in connection with other tests, per man-day required	50
6. Fees for tests of unusually complicated apparatus, for unusual tests or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the respirator is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be determined in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

[Bureau of Mines Schedule 2F]

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT, JUNCTION BOXES AND OTHER ACCESSORY EQUIPMENT

Section 18.3 of Part 18 of Title 30 is revised to read as follows:

§ 18.3 Fees.

(a) Detailed inspection of each explosion-proof enclosure	$105
NOTE: When less than 20 explosion tests are required, the inspection fee shall be $60.	
(b) Explosion tests of each explosion-proof enclosure	70
NOTE: When less than 20 explosion tests are required, the fee shall be $35.	
(c) Each series of tests necessary to prove the adequacy of electrical clearances, insulation durability, intrinsic safety, surface temperature, or ventilation of each enclosure	105
(d) Each field inspection of completely assembled equipment	80
(e) Tests of portable cable:	
1. Damage-resistance tests	85
2. Development tests to determine resistance to damage by mine car running over cable will be charged at the rate of $10 for each five runs over the cable. The minimum charge is $25.	
3. Flame-resistance tests	50
4. Development flame-resistance tests will be charged at the rate of $10 per test sample. The minimum charge is $25.	
(f) Examining and recording drawings and specifications preparatory to issuing an approval	110
(g) Examining and recording drawings and specifications for each investigation of a motor, starter, or other individual explosion-proof unit considered independently of a complete machine assembly for certification	85
(h) Examining and recording drawings and specifications for an extension of approval	70
(i) Examining and recording drawings and specifications for an extension of certification	40
(j) No charge will be made for inspections and tests made solely for the Bureau's information.	

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

Any funds deposited with the Bureau that exceed the fees required in accordance with the above charges will be refunded at the completion of the work or applied to future work, as directed by the applicant.

[Bureau of Mines Schedule 6D]

PART 19—ELECTRIC CAP LAMPS

Section 19.2 of Part 19 of Title 30 is revised to read as follows:

§ 19.2 Fees.

(a) Detailed inspection	$105
(b) Safety tests (headpiece)	90
(c) Headpiece dropping	30
(d) Headpiece smash	45
(e) Battery sparking	105
(f) Battery dropping	30
(g) Battery spilling	70
(h) Bulb uniformity (current consumption)	170
(i) Bulb life	135
(j) Light distribution	140
(k) Discharge voltage (battery)	95
(l) Cord slatting	135
(m) Final examination and recording of drawings and specifications requisite to issuing and approval	110
(n) Examining and recording of drawings and specifications requisite to issuing an extension of approval	70
(o) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 10C]

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Section 20.4 of Part 20 of Title 30 is revised to read as follows:

§ 20.4 Fees.

(a) Detailed inspection [1]	$60
(b) Safety tests in gas [1]	90
(c) Battery sparking [2]	105
(d) Battery spilling [2]	70
(e) Dropping [1]	30
(f) Bumping [4]	100
(g) Explosion tests [5]	70
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[1] Applies to all lamps.
[2] Applies only if cord is involved.
[3] Applies only to storage-battery lamps.
[4] Applies only to trip lamps.
[5] Applies only to units in explosion-proof housings.

[Bureau of Mines Schedule 7C]

PART 21—FLAME SAFETY LAMPS

Section 21.3 of Part 21 of Title 30 is revised to read as follows:

§ 21.3 Fees.

(a) Detailed inspection	$105
(b) Mechanical tests of complete lamp:	
1. Dropping test	30
2. Impact test with 5# weight	35
3. Tension test with 10# weight	35
4. Bonnet test (pendulum impact)	35
5. Temperature of external parts	65
(c) Mechanical tests of glasses:	
1. Impact test with 1# weight	35
2. Temperature test	45
(d) Safety tests—moving and still mixtures	155
(e) Safety tests—igniter	65
(f) Time of burning	35
(g) Detection of methane and deficiency of oxygen	70
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 8C]

PART 22—PORTABLE METHANE DETECTORS

Section 22.3 of Part 22 of Title 30 is revised to read as follows:

§ 22.3 Fees.

(a) Detailed inspection	$105
(b) Safety-intrinsically safe circuits	85
(c) Battery spilling	70
(d) Battery dropping	30
(e) Accuracy	100
(f) Life tests of replaceable components	100
(g) Field tests	155
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 9B]

PART 23—TELEPHONE AND SIGNALING DEVICES

Section 23.4 of Part 23 of Title 30 is revised to read as follows:

§ 23.4 Fees.

(a) Detailed inspection	$60
(b) Explosion tests (each compartment)	70
(c) Intrinsic safety	85
(d) Life tests of replaceable parts	100
(e) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(f) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(g) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 12D]

PART 24—SINGLE-SHOT BLASTING UNITS

Section 24.1 of Part 24 of Title 30 is revised to read as follows:

§ 24.1 Fees.

(a) Detailed inspection	$60
(b) Intrinsic safety tests	85
(c) Life tests of replaceable parts or complete unit	270
(d) Discharge voltage test	50
(e) Firing capacity test	80
(f) Dropping test	30
(g) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(h) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(i) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 16E]

PART 25—MULTIPLE-SHOT BLASTING UNITS

Section 25.4 of Part 25 of Title 30 is revised to read as follows:

§ 25.4 Fees.

(a) Detailed inspection	$60
(b) Timing and energy requirement determination	165
(c) Safety tests in methane-air mixtures	150
(d) High-potential test	40
(e) Dropping test	30
(f) Life test of complete unit	270
(g) Firing-capacity test	130
(h) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(i) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(j) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[Bureau of Mines Schedule 29A]

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

Section 26.6 of Part 26 of Title 30 is revised to read as follows:

§ 26.6 Fees.

(a) Detailed inspection	$105
(b) Explosion tests, each series	70
(c) Dropping test	30
(d) Temperature test	65
(e) High-potential test	40
(f) Safety tests in methane-air mixtures [1]	255
(g) Short-circuit test [1]	55
(h) Flame-resistance test (cable connectors)	50
(i) Final examination and recording of drawings and specifications requisite to issuing an approval	110
(j) Examining and recording drawings and specifications requisite to issuing an extension of approval	70
(k) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

[1] Applies to cable connectors submitted for certification.

[Bureau of Mines Schedule 32]

PART 27—METHANE-MONITORING SYSTEMS

Section 27.7 of Part 27 of Title 30 is revised to read as follows:

§ 27.7 Fees.

(a) Detailed inspection—each assembled component	$60
(b) Explosion testing—each explosion-proof enclosure	70
(c) Each series of tests to determine adequacy of design, materials, and/or construction	105
(d) Tests to determine safe operation and performance of a complete methane-monitoring system	200
(e) Tests to determine intrinsic safety	105
(f) Final examination and recording of drawings and specifications requisite to issuing a letter of certification	110
(g) Examining and recording drawings and specifications requisite to issuing an extension of certification, each 4 hours or fraction thereof	35
(h) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Chief, Branch of Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall be in amounts proportionate to the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, as directed by the applicant.	

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided upon request, addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, Attention: Chief, Branch of Electrical-Mechanical Testing. Any surplus from a fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation or tests.

[Bureau of Mines Schedule 22]

PART 31—DIESEL MINE LOCOMOTIVES

Paragraph (c) of § 31.3 of Part 31 of Title 30 is revised to read as follows:

§ 31.3 Conditions under which approvals may be granted; preliminary steps.

* * * * *

(c) *Fees.*

1. Preliminary review of drawings, specifications, and related data—new machine	$50
2. Tests to determine composition of engine exhaust gases	2,400

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $800.

3. Tests to determine effectiveness of engine flame arrester	325

NOTE: For check testing a redesigned flame arrester that requires less than 20 tests, the fee shall be $165.

4. Detailed inspection of engine flame arrester	$100
5. Detailed inspection of manifolds, exhaust conditioners, and other parts of intake and exhaust systems	155
6. Detailed inspection of electrical units—each explosion-proof enclosure	105

NOTE: When less than 20 explosion tests are required, the inspection fee shall be $60.

7. Explosion tests of electrical units—each explosion-proof enclosure	70

NOTE: When less than 20 explosion tests are required, the fee shall be $35.

8. Exhaust conditioner performance tests to determine rate of water consumption	130
9. Surface temperature determinations and tests of safety controls	220
10. Each field inspection of completely assembled machine	450
11. Tests of exhaust-gas dilution not made concurrently with field inspections of completely assembled machine	115
12. Final examination and recording of drawings and specifications preparatory to issuing an approval	175
13. Examining and recording drawings and specifications for an extension of approval, each 4 hours or fraction thereof	35

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

* * * * *

[Bureau of Mines Schedule 24]

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES

Paragraph (c) of § 32.3 of Part 32 of Title 30 is revised to read as follows:

§ 32.3 Conditions under which approvals may be granted or tests made; preliminary steps preceding approval tests and inspections.

* * * * *

(c) *Fees.*

1. Preliminary review of drawings, specifications, and related data—each new machine	$40
2. Tests to determine composition of engine exhaust gases	1,800

NOTE: For preliminary or check testing that requires only carbon dioxide and carbon monoxide determinations, the fee shall be $600.

3. Detailed inspection of exhaust-gas cooling system	120
4. Detailed inspection of electrical system	30
5. Each field inspection of completely assembled machine	265
6. Exhaust-gas-dilution tests independent of field inspection	115
7. Final examination and recording of drawings and specifications preparatory to issuing an approval	110

8. Final examination and recording of drawings and specifications preparatory to issuing a certification of an engine subassembly..... $55
9. Examining and recording of drawings and specifications for an extension of approval or certification of an engine subassembly, each 4 hours or fraction thereof... 35

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence, and incidental expenses of its representative(s) in accordance with standard Government travel regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

* * * * *

[Bureau of Mines Schedule 25B]

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Paragraphs (a) and (b) of § 33.5 of Part 33 of Title 30 are revised to read as follows:

§ 33.5 Fees for investigation.

(a) The following fees are charged for inspecting, testing, and certifying dust collectors:

1. Preliminary review of drawings, specifications, and related data, each unit or system..... $60
2. Detailed inspection to determine adequacy of design and materials, each unit or system..... 60
3. Detailed inspection to determine adequacy of design and materials relating to changes subsequent to an initial investigation, per man-day or fraction thereof..... [1] 55
4. Drilling each set of 10 test holes:
   (i) First set of 10 test holes drilled, per investigation... 170
   (ii) Each additional set of 10 test holes drilled, per investigation 95
5. Final examination and recording of drawings and specifications, and issuing certificate of approval or certificate of performance..... 80
6. Examination and recording of drawings and specifications, and issuing extension of certificate of approval or certificate of performance ..... [2] 60
7. Design of approval plate or P/T label for certified equipment..... 25

[1] In addition the applicant shall reimburse the Bureau for necessary travel and subsistence expenses of its representative(s) according to "Standardized Government Travel Regulations" when such Bureau representative(s) is required to be away from official headquarters.

[2] If only a nominal amount of work is required, the fee will be $40.

(b) Additional fees shall be charged in accordance with the provisions of Part 18 of Subchapter D of this Chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) for examining and testing electrical parts of dust collectors required under § 33.38.

* * * * *

[Bureau of Mines Schedule 28]

PART 34—FIRE-RESISTANT CONVEYOR BELTS

Section 34.5 of Part 34 of Title 30 is revised to read as follows:

§ 34.5 Fees.

(a) Flame test..... $25
(b) Drum-friction test..... 90
(c) Fees for unusual tests, or tests not included in this list, which might be necessary, will be based on actual costs of testing, and will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before such tests are begun.

[Bureau of Mines Schedule 30]

PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

Paragraph (d) of § 35.5 of Part 35 of Title 30 is revised to read as follows:

§ 35.5 Fees for investigation.

* * * * *

(d) The following fees are charged for testing a hydraulic fluid—concentrate or emulsion:

1. Autogenous-ignition temperature test, each..... $55
2. Temperature-pressure spray-ignition test, each..... 100
3. Test to determine effect of evaporation on flammability, each..... 65
4. Fees for other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before such tests are begun.

* * * * *

[Bureau of Mines Schedule 31]

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

Paragraph (a) of § 36.7 of Part 36 of Title 30 is revised to read as follows:

§ 36.7 Fees.

(a)

1. Preliminary review of drawings, specifications, descriptions, and related data, each complete assembly..... $50
2. Complete tests to determine composition of exhaust gas from diesel engine under various load and speed conditions [1]..... 2,400
3. Tests to determine the effectiveness of air intake or exhaust flame arrester in an intake or exhaust system..... 325
4. Check tests on redesigned components or equipment in item 3 above requiring less than 20 tests 165
5. Complete inspection of an intake or exhaust flame arrester..... 100
6. Complete inspection of manifolds, exhaust conditioners, and other components that comprise the intake and exhaust systems..... $150
7. Complete investigation of headlight, storage-battery type [2]..... 525
8. Complete investigation of headlight, dry-cell type [2]..... 280
9. Tests to determine the cooling efficiency of an exhaust conditioner and rate of water consumption 120
10. Surface temperature determinations and tests of safety controls..... 220
11. Each final inspection of completely assembled equipment... 375
12. Tests of exhaust-gas dilution not made concurrently with final inspection of completely assembled equipment 115
13. Final examination and recording of drawings and specifications requisite to the issuance of a certificate of approval..... 175
14. Final examination and recording of drawings and specifications requisite to the issuance of a letter of certification..... 100
15. Examining and recording drawings and specifications requisite to the issuance of an extension of certification, each 4 hours or fraction thereof..... 35
16. Tests conducted in the field shall require the same fee as when conducted on the Bureau's premises. In addition the applicant shall reimburse the Bureau for such travel, subsistence, and incidental expenses as may be required by its representative(s) in accordance with the allowances stated in the "Standardized Government Travel Regulations."

[1] Maximum normal fee; actual fee as detailed in Part 20 of Subchapter D of this Chapter (Schedule 10, revised, the latest revision of which is Schedule 10C).

* * * * *

[F.R. Doc. 65-2949; Filed, Mar. 22, 1965; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125); § 78.13 of said regulations designating modified certified brucellosis

areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talledega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

Arizona. The entire State;

Arkansas. Arkansas, Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Dallas, Desha, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Marion, Miller, Mississippi, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, St. Francis, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, Woodruff, and Yell Counties;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Eagle, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kiowa, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu and Kauai Counties;

Idaho. The entire State;

Illinois. The entire State;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Adams, Appanoose, Audubon, Boone, Buchanan, Butler, Carroll, Cass, Cherokee, Clayton, Clinton, Crawford, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Harrison, Humboldt, Keokuk, Louisa, Lyon, Marshall, Mills, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Winnebago, Woodbury, Worth, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, Jackson, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Union, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, Pushmataha, and Texas Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Carbon, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210; 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Kiowa County in Colorado; Adams, Decatur, Louisa, and Van Buren Counties in Iowa; Jackson and Union Parishes in Louisiana; Oldham, Palo Pinto, Wheeler, and Wilson Counties in Texas; and Carbon County in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of March 1965.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 65-2945; Filed, Mar. 22, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6527; Amdt. 39-50]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Models Wasp Jr. and R-985 Series Engines

There have been propeller blade failures attributed to excessive wear of the engine crankshaft flyweight and flyweight liners on Pratt & Whitney Wasp Jr. and R-985 Series engines. Such wear caused detuning of the engine-propeller

combination, resulting in excessive propeller blade stresses. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection and rework or replacement as necessary of the engine crankshaft flyweights and flyweight liners of these engines.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to Models Wasp Jr. and R-985 Series engines. Compliance required as indicated.

To prevent further propeller blade failures as a result of excessive wear of the engine crankshaft flyweight and flyweight liners, accomplish the following:

(a) Inspect and rework or replace as necessary engine crankshaft flyweights, P/Ns 34462 and 34463, and flyweight liners, P/N 34461, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1758 Revision A dated November 18, 1964, or later FAA-approved revision, within the next 50 hours' time in service after the effective date of this AD, unless previously inspected and reworked or replaced as necessary in accordance with Pratt & Whitney Aircraft Wasp Jr. Overhaul Manual, Part No. 123440, or Pratt & Whitney Aircraft Service Bulletin No. 1758 or later FAA-approved revision within the last 1,550 hours' time in service, and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection.

(b) If overhaul records establishing previous compliance with the inspection and rework or replacement requirements of this AD are not available, verification of previous compliance may be shown by a statement by the mechanic or repair station that last overhauled the engine.

(c) Upon the request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering & Manufacturing Branch, FAA Eastern 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.

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

This amendment shall become effective March 20, 1965.

Issued in Washington, D.C., on March 17, 1965.

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

[F.R. Doc. 65-2914; Filed, Mar. 22, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-18]

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

Designation, Alteration and Revocation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to designate, alter and revoke reporting points in accordance with air traffic control requirements.

Designated reporting points are employed by air traffic control for the safe and efficient movement of air traffic. ATC requirements periodically change due to alterations of procedures or airway and jet route alignments. Recent changes of this nature have obviated the requirement for North Nantucket INT and South Bangor INT as reporting points at all altitudes. However, they are still required as low altitude reporting points. The same changes require that the Davey INT be designated as a high altitude reporting point. Therefore, action is taken herein to reflect these changes.

Since these amendments are essentially procedural and minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. In § 71.203 (29 F.R. 17711) the following reporting points are added:

North Nantucket INT: INT of 098° bearing from Boston, Mass., RBN, centerline of Control 1143.

South Bangor INT: INT of SE course Bangor, Maine, RR, centerline of Control 1143.

2. In § 71.207 (29 F.R. 17718) the following reporting point is added:

Davey INT: INT Yarmouth, N.S., 230° radial, SE course Bangor, Maine, RR.

3. In § 71.209 (29 F.R. 17721) the following reporting points are deleted:

North Nantucket INT: INT of the 098° bearing from the Boston, Mass., RBN, centerline of the Control 1143 control area.

South Bangor INT: INT SE course Bangor, Maine, RR, centerline Nantucket, Mass.-Yarmouth, N.S., domestic control area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 16, 1965.

D. E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2915; Filed, Mar. 22, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-25]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-3901 at DeBlois, Maine.

The U.S. Air Force has advised the FAA that there no longer is a requirement for R-3901 at DeBlois. Accordingly, action is taken herein to revoke this restricted area.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.39 (29 F.R. 17748), Restricted Area R-3901 at DeBlois, Maine, is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 15, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-2916; Filed, Mar. 22, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6529; Amdt. 95-126]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 29, 1965, as follows:

1. By amending Subpart C as follows:

Section 95.225 *Red Federal airway 25* is deleted.

Section 95.1001 *Direct Routes—U.S.* is amended to delete:

From, to, and MEA

Allentown, Pa., LFR or VOR; Wilkes-Barre, Pa., LFR; 3,500.
Ashland INT, Oreg.; Klamath Falls, Oreg., LFR; 9,500.
Binghamton, N.Y., LF/RBN; Elmira, N.Y., LFR; 3,500.
Binghampton, N.Y., VOR; Syracuse, N.Y., LFR; 3,500.
Binghamton, N.Y., VOR; Wilkes-Barre, Pa., LFR; 3,500.
Charles INT, Colo. (216-PUB/169-COS); Pinon INT, Colo. (314-PUB/169-COS); 7,800.
Chatham, N.J., LF/RBN; Little Ferry INT, N.J.; 2,500.
Chatham, N.J., LF/RBN; Yonkers INT, N.Y.; 2,000.
Columbus INT, N.J.; McGuire, N.J., LFR; 1,500.
Elkins, W. Va., LFR or VOR; Roanoke, Va., LFR; 6,800.
Flat Rock, Va., VOR; Richmond, Va., LFR; 2,000.
Flintstone INT, Pa.; Int. S crs Altoona, Pa., LFR and Martinsburg, Pa., VOR; 283° rad; 4,000.
Glen Cove, N.Y., LF/RBN; New Rochelle, N.Y., LF/RBN; 1,500.

From, to, and MEA

Huntington INT, N.Y.; Mitchel Field, N.Y., LFR; 1,500.
LaGuardia, N.Y., LFR; Poughkeepsie, N.Y., LFR or VOR; 3,000.
Memphis, Tenn., VOR; Tupelo, Miss., VOR; *2,500. *1,900—MOCA.
Myrtle Beach, S.C., VOR; Tabor City INT (MYR 004/FLO 099); *1,800. *1,400—MOCA.
New Rochelle, N.Y., LF/RBN; Paterson, N.J., LF/RBN; 1,900.
New Rochelle, N.Y., LF/RBN; Poughkeepsie, N.Y., LFR or VOR; 2,500.
North Philadelphia, Pa., LFR; Willow Grove, Pa., LF/RBN; 1,800.
Peekskill INT, N.Y.; Port Chester INT, N.Y.; 2,000.
Poughkeepsie, N.Y., VOR; Poughkeepsie, N.Y., LFR; 2,500.
Poughkeepsie, N.Y., LFR; White Plains, N.Y., LOM; 2,600.
Saddle INT, Calif., via SMO R-261; Santa Monica, Calif., VOR; 4,500.
Santa Monica, Calif., VOR, via SMO R-078; Stadium INT, Calif.; 2,500.
Tabor City INT, N.C.; Dock INT, N.C.; *3,000. *1,400—MOCA.

Section 95.1001 *Direct Routes—U.S.* is amended to read in part:

Etowah INT, Tenn.; Knoxville, Tenn., VOR; *4,000. *3,200—MOCA.
Pinon INT, Colo.; Colorado Springs, Colo., VOR; 9,400.

Section 95.1001 *Direct Routes—U.S.* is amended by adding:

Holly Springs, Miss., VOR; Tupelo, Miss., VOR; *2,500. *1,900—MOCA.
Avenal, Calif., VOR; Salinas, Calif., VOR; *8,500. *6,300—MOCA.
Charles INT, Colo.; Pueblo, Colo., VOR; 7,800.
Charles INT, Colo. (via PU LOM 167 bearing or COS VOR R-167); Pueblo, Colo., LOM; 7,800.
*Pueblo, Colo., VOR; Pinon INT, Colo.; 7,600. *6,500—MCA Pueblo VOR, Northwestbound.
Franklin INT, Tenn.; Graham, Tenn., VOR; *2,600. *2,500—MOCA.
Hartselle INT, Ala.; Huntsville, Ala., VOR; *3,000. *2,500—MOCA.
Holly Springs, Miss., VOR; Independence INT, Miss.; *1,900. *1,700—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Prescott INT, Wis.; Winona INT, Minn.; *2,900. *2,800—MOCA.
Winona INT, Minn.; Nodine, Minn., VOR; *3,100. *2,800—MOCA.
River Falls INT, Wis., via N alter.; El Paso INT, WIS., via N alter.; *3,000. *2,500—MOCA.
El Paso INT, Wis., via N alter.; Dodge INT, Wis., via N alter.; *3,300. *2,800—MOCA.
Dodge INT, Wis., via N alter.; Nodine, Minn., VOR, via N alter.; *3,100. *2,800—MOCA.
Ada INT, Mich.; Lansing, Mich., VOR; *2,600. *2,200—MOCA.
Muskegon, Mich., VOR, via S alter.; James INT, Mich., via S alter.; *2,500. *2,000—MOCA.
James INT, Mich., via S alter.; Grand Rapids, Mich., VOR, via S alter.; *2,500. *2,200—MOCA.
Grand Rapids, Mich., VOR, via S alter.; Lansing, Mich., VOR, via S alter.; *2,500. *2,000—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,600—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From, to, and MEA

Akron, Colo., VOR, via S alter.; Int. 081° M rad, Akron VOR and 233° M rad, Hayes Center VOR, via S alter.; *6,500. *5,700—MOCA.
Allegheny, Pa., VOR; *Scottdale INT, Pa.; **3,100. *4,500—MRA. **3,000—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Magnolia INT, Tex.; College Station, Tex., VOR; *2,000. *1,800—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Tampico INT, Tenn., via N alter.; Yuma INT, Va., via N alter.; 4,200.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

San Antonio, Tex., VOR, via W alter.; Bergheim INT, Tex., via W alter.; *3,100. *2,600—MOCA.
Bergheim INT, Tex., via W alter.; Spring Branch INT, Tex., via W alter.; *3,500. *2,800—MOCA.
Spring Branch INT, Tex., via W alter.; Blanco INT, Tex., via W alter.; *3,300. *2,800—MOCA.
Austin, Tex., VOR; *Georgetown INT, Tex.; 2,300. *4,000—MRA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Riverton, Utah, FM; Salt Lake City, Utah, VOR, northbound only; 8,000.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

Harvey, La., VOR; Violet INT., La.; 2,000.
Violet INT, La.; Dog INT, La.; *3,000. *2,000—MOCA.
Dog INT, La.; Horn INT, Miss.; *3,000. *1,100—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Prescott INT, Minn.; El Paso INT, Wis.; *2,900. *2,400—MOCA.
El Paso INT, Wis.; Eau Claire, Wis., VOR; *3,000. *2,400—MOCA.
White Cloud, Mich., VOR; Trufant INT, Mich.; *2,700. *2,100—MOCA.
Trufant INT, Mich.; Orleans INT, Mich.; *2,700. *2,000—MOCA.
Orleans INT, Mich.; Lansing, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Morgantown, W. Va., VOR; *Millsboro INT, Pa.; 4,000. *4,000—MCA Millsboro INT, southbound.
Millsboro INT, Pa., Allegheny, Pa., VOR; *3,000. *2,500—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Liberty, N.C., VOR, via W alter.; Greensboro, N.C., VOR, via W alter.; 2,400.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,600—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

McCoy INT, Tex.; Three Rivers INT, Tex.; *2,500. *1,800—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended by adding:

Kansas City, Mo., VOR; New Market INT, Mo.; *2,400. *2,300—MOCA.
New Market INT, Mo.; Pawnee City, Nebr., VOR; *3,100. *2,600—MOCA.

From, to, and MEA

Pawnee City, Nebr., VOR; Eagle INT, Nebr.; *3,000. *2,500—MOCA.
Eagle INT, Nebr.; Raymond, Nebr., VOR; *2,900. *2,600—MOCA.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

White Bear INT, Minn.; Boardman INT, Wis.; *2,500. *2,300—MOCA.
Boardman INT, Wis.; Eau Claire, Wis., VOR; *3,000. *2,800—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Farmington, Minn., VOR; Rochester, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Nodine, Minn., VOR; Winona INT, Minn.; *3,100. *2,800—MOCA.
Winona INT, Minn.; Int. 309° M rad, Nodine VOR and SE crs, Minneapolis, ILS loc.; *2,900. *2,800—MOCA.

Section 95.6105 *VOR Federal airway 105* is amended by adding:

Coaldale, Nev., VOR, via E alter.; Mina, Nev., VOR, via E alter.; 11,500.
Mina, Nev., VOR, via E alter.; Yerington INT, Nev., via E alter.; 11,500.
Yerington INT, Nev., via E alter.; Churchill INT, Nev., via E alter; northwestbound, 10,000; southeastbound, 11,500.
Churchill INT, Nev., via E alter.; Reno, Nev., VOR, via E alter.; 10,000.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

Los Angeles, Calif., VOR; Stadium INT, Calif.; 3,100.
Stadium INT, Calif.; Santa Monica, Calif., VOR; 2,500.
Santa Monica, Calif., VOR; Saddle INT, Calif.; 4,500.
Saddle INT, Calif., Fillmore, Calif., VOR; 5,000.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Munhall INT, Pa.; Finley INT, Pa.; *3,200. *3,000—MOCA.
Finley INT, Pa.; Proctor INT, W. Va.; *3,200. *3,000—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Imperial, Pa., VOR; Freeport INT, Pa.; *3,000. *2,900—MOCA.
Freeport INT, Pa.; Clarion, Pa., VOR; 3,300.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

Linden, Va., VOR; Huntly INT, Va.; 5,000. *Huntly INT, Va.; Blue Ridge INT, Va.; 4,000. *4,700—MCA Huntly INT, westbound.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

Biscay INT, Minn.; Minneapolis, Minn., VOR; *2,800. *2,300—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

St. Petersburg, Fla., VOR, via N alter.; Orlando, Fla., VOR, via N alter.; *2,000. *1,900—MOCA.

Section 95.6158 *VOR Federal airway 158* is amended to read in part:

Dubuque, Iowa, VOR; Savanna INT, Ill.; *2,500. *2,300—MOCA.
Savanna INT, Ill.; Polo, Ill., VOR; 3,300.

From, to, and MEA

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Orlando, Fla., VOR; via W alter.; Center Hill INT, Fla., via W alter.; *2,000. *1,900—MOCA.
Cross City, Fla., VOR; via W alter.; Greenville, Fla., VOR; via W alter; *1,700. *1,500—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

*Pine Island INT, Minn.; Prescott INT, Wis.; **3,000. *3,000—MRA. **2,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Bergheim INT, Tex.; Spring Branch INT, Tex.; *3,500. *2,700—MOCA.
Spring Branch INT, Tex.; Johnson City INT, Tex.; *3,300. *2,800—MOCA.
Willow City INT, Tex.; Kingsland INT, Tex.; *4,000. *2,900—MOCA.
Corpus Christi, Tex., VOR; Sinton INT, Tex.; *1,700. *1,400—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Nodine, Minn., VOR; Elba INT, Minn.; *3,100. *2,800—MOCA.
Elba INT, Minn.; Goodhue INT, Minn.; *3,800. *2,200—MOCA.
Goodhue INT, Minn.; Farmington, Minn., VOR; *3,000. *2,400—MOCA.
Farmington, Minn., VOR; Victoria INT, Minn.; 2,400.
Victoria INT, Minn.; Mayer INT, Minn.; *2,800. *2,300—MOCA.

Section 95.6174 *VOR Federal airway 174* is amended to read in part:

Linden, Va., VOR; Huntly INT, Va.; 5,000.
*Huntly INT, Va.; Blue Ridge INT, Va.; 4,000. *4,700-MCA Huntly INT, westbound.

Section 95.6176 *VOR Federal airway 176* is amended to read in part:

Hamilton, Ala., VOR; Jasper INT, Ala.; 2,000.
Jasper INT, Ala.; Birmingham, Ala., VOR; *2,000. *1,700—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

Marengo INT, Ill.; Janesville, Wis., VOR; *3,700. *2,100—MOCA.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

Pullman, Mich., VOR; Comstock INT, Mich.; *2,700. *2,200—MOCA.
Comstock INT, Mich.; White Cloud, Mich., VOR; *2,700. *2,100—MOCA.

Section 95.6196 *VOR Federal airway 196* is amended to read in part:

Utica, N.Y., VOR; *Cranberry INT, N.Y.; **8,000. *8,000—MCA Cranberry INT, southwestbound. **4,700—MOCA.
Cranberry INT, N.Y.; Tupper Lake INT, N.Y.; *6,000. *4,700—MOCA.

Section 95.6209 *VOR Federal airway 209* is amended to read in part:

Kewanee, Miss., VOR; Brookwood, Ala., VOR; *2,000. *1,700—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Bellaire, Ohio, VOR; Wolfdale INT, Pa.; *3,300. *3,000—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Kent City INT, Mich.; Trufant INT, Mich.; *2,700. *2,000—MOCA.

From, to, and MEA

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Naperville, Ill., VOR; Beacon INT, Ill.; 2,500.
Beacon INT, Ill.; Neptune INT, Ill.; *2,300. *2,000—MOCA.

Section 95.6220 *VOR Federal airway 220* is amended to delete:

Akron, Colo., VOR; Hayes Center, Nebr., VOR; *6,400. *6,000—MOCA.

Section 95.6220 *VOR Federal airway 220* is amended by adding:

Akron, Colo., VOR; McCook, Nebr., VOR; *6,500. *5,700—MOCA.
McCook, Nebr., VOR; Grand Island, Nebr., VOR; *6,000. *4,000—MOCA.

Section 95.6240 *VOR Federal airway 240* is amended to read in part:

Pearl INT, La.; Dog INT, La.; *3,000. *1,100—MOCA.

Section 95.6274 *VOR Federal airway 274* is amended to read:

Pullman, Mich., VOR; Grand Rapids, Mich., VOR; *2,700. *2,200—MOCA.
Grand Rapids, Mich., VOR; Orleans INT, Mich.; *2,500. *2,000—MOCA.
Orleans INT, Mich.; Saginaw, Mich., VOR; *2,600. *2,000—MOCA.

Section 95.6281 *VOR Federal airway 281* is amended to read in part:

Redmond, Oreg., VOR; Heppner INT, Oreg.; *10,000. *7,600—MOCA.

Section 95.6285 *VOR Federal airway 285* is amended by adding:

Grand Rapids, Mich., VOR; White Cloud, Mich., VOR; *2,700. *2,100—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Silsbee INT, Tex., via E alter.; Lufkin, Tex., VOR; via E alter.; *2,100. *1,700—MOCA.
Kountze INT, Tex.; Lufkin, Tex., VOR; *2,200. *1,500—MOCA.

Section 95.6293 *VOR Federal airway 293* is amended to read:

Ely, Nev., VOR; *Elko, Nev., VOR; **14,000. *12,000—MCA Elko VOR, southbound. **13,100—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Orlando, Fla., VOR; Center Hill INT, Fla.; *2,000. *1,900—MOCA.

Section 95.6441 *VOR Federal airway 441* is amended to read in part:

St. Petersburg, Fla., VOR, via E alter.; Dade City INT, Fla., via E alter.; *2,000. *1,900—MOCA.

Section 95.6453 *VOR Federal airway 453* is amended to read in part:

King Salmon, Alaska, VOR; Dillingham, Alaska, VOR; westbound, 6,500; eastbound, *2,000. *1,300—MOCA.
King Salmon, Alaska, VOR, via S alter.; Dillingham, Alaska, VOR, via S alter.; westbound, 6,500; eastbound, *2,000. *1,400—MOCA.

Section 95.6474 *VOR Federal airway 474* is amended to read in part:

Indian Head, Pa., VOR; St. Thomas, Pa., VOR; 5,000.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

Ukiah, Calif., VOR; *Geyserville INT, Calif.; 6,000. *7,000—MRA.

From, to, and MEA

Geyserville INT, Calif.; Santa Rosa, Calif., VOR; 6,000.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

Clarion, Pa., VOR; Freeport INT, Pa.; 3,300.
Freeport INT, Pa.; Imperial, Pa., VOR; *3,000. *2,900—MOCA.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,600—MOCA.

Section 95.6843 *VOR Federal airway 843* is amended to read in part:

Greenville, Fla., VOR; Cross City, Fla., VOR; *1,700. *1,500—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

Prescott INT, Wis.; Winona INT, Minn.; *2,900. *2,800—MOCA.
Winona INT, Minn.; Nodine, Minn., VOR; *3,100. *2,800—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

Polo, Ill., VOR; Savanna INT, Ill.; 3,300.
Savanna INT, Ill.; Dubuque, Iowa, VOR; *2,500. *2,300—MOCA.

Section 95.6855 *VOR Federal airway 855* is amended to read in part:

Rochester, Minn., VOR; Farmington, Minn., VOR; *3,000. *2,500—MOCA.

From, to, MEA, and MAA

Section 95.7004 *Jet Route No. 4* is amended to read in part:

Los Angeles, Calif., VORTAC; *Int. 108° M rad, Palmdale VORTAC and 257° M rad, Blythe VORTAC; 18,000; 45,000. *20,000—MRA.
Int. 108° M rad, Palmdale VORTAC and 257° M rad, Blythe VORTAC; Blythe, Calif., VORTAC; 18,000; 45,000.

Section 95.7006 *Jet Route No. 6* is amended to read in part:

*Int. 310° M rad, Santa Barbara VORTAC and 275° M rad, Palmdale VORTAC; Palmdale, Calif., VORTAC; 20,000; 45,000. *20,000—MRA.

Section 95.7041 *Jet Route No. 41* is amended to read in part:

Montgomery, Ala., VORTAC; Birmingham, Ala., VORTAC; 18,000; 45,000.
Birmingham, Ala., VORTAC; Memphis, Tenn., VORTAC; 18,000; 45,000.

Section 95.7046 *Jet Route No. 46* is amended by adding:

Nashville, Tenn., VORTAC; Knoxville, Ky., VORTAC; 18,000; 45,000.

Section 95.7065 *Jet Route No. 65* is amended to read in part:

Blythe, Calif., VORTAC; *Int. 108°M rad, Palmdale VORTAC and 257°M rad, Blythe VORTAC; 18,000; 45,000. *20,000—MRA.
Int. 108°M rad, Palmdale VORTAC and 257° M rad, Blythe VORTAC; Palmdale, Calif., VORTAC; 20,000; 45,000.

Section 95.7078 *Jet Route No. 78* is amended to read in part:

Tulsa, Okla., VORTAC; Farmington, Mo., VORTAC; 18,000; 45,000.

Section 95.7082 *Jet Route No. 82* is amended to read in part:

From, to, MEA, and MAA

Dubois, Idaho, VORTAC; Crazy Woman, Wyo., VORTAC; #27,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7088 *Jet Route No. 88* is amended to read in part:

Santa Barbara, Calif., VORTAC; Int. 310° M rad, Santa Barbara VORTAC and 275° M rad, Palmdale VORTAC; *18,000; 45,000. *20,000—MRA.

Int. 310° M rad, Santa Barbara VORTAC and 275° M rad, Palmdale VORTAC; Salinas Calif., VORTAC; 18,000; 45,000.

Section 95.7554 *Jet Route No. 554* is added to read:

Buffalo, N.Y., VOR; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 VOR Federal airway changeover points.

Airway segment: From; to—Changeover point: Distance; from

Direct Routes—is amended by adding:

Avenal, Calif., VOR; Salinas, Calif., VOR; 43; Avenal.

V–16 is amended by adding:

Nashville, Tenn., VOR; Crossville, Tenn., VOR; 30; Nashville.

V–19 is amended to delete:

Sheridan, Wyo., VOR; Billings, Mont., VOR; 46; Sheridan.

J–58 is amended by adding:

Coaldale, Nev., VORTAC; Wilson Creek, Nev., VOR; 44; Coaldale.

J–80 is amended by adding:

Coaldale, Nev., VORTAC; Wilson Creek, Nev., VOR; 44; Coaldale.

J–110 is amended to delete:

Tuba City, Ariz., VORTAC; Gunnison, Colo., VORTAC; 110; Gunnison.

J–128 is amended by adding:

Tuba City, Ariz., VORTAC; Gunnison, Colo. VORTAC; 110; Gunnison.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on March 16, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-2917; Filed, Mar. 22, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6792 o.]

PART 13—PROHIBITED TRADE PRACTICES

A. A. Wyn, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new:* 13.1880–20 Book titles. Subpart—Using misleading name—GOODS: § 13.2300 *Identity;* §13.-2320 *Old, secondhand, reconstructed, or reused as new:* 13.2320–10 Book titles.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order, A. A. Wyn, Inc., et al., New York, N.Y., Docket 6792, Jan. 11, 1965]

In the Matter of A. A. Wyn, Inc., a Corporation, and Aaron A. Wyn and Rose Wyn, Individually and as Officers of A. A. Wyn, Inc.

Order modified so as to exclude "* * * any book originally published outside of the United States of America in a language other than English, unless * * * it has been previously published in an English language edition, * * *", desist order of Nov. 9, 1957, 22 F.R. 9592, 54 F.T.C. 545, requiring book distributors in New York City to cease retitling reprinted books unless original titles were disclosed in a specified manner.

The order as modified is as follows:

It is ordered, That the Commission's order to cease and desist issued in this matter on November 9, 1957, be, and hereby is, modified so as to provide in the prohibitory paragraph that respondents shall cease and desist from:

Using or substituting a new title for, or in place of, the original title of a reprinted book, except any book originally published outside of the United States of America in a language other than English, unless a statement which reveals the original title of the book and that it has been previously published thereunder appears in clear, conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the new title or in another position adapted readily to attract the attention of a prospective purchaser; provided, however, that any book, although originally published in a foreign language, if it has been previously published in an English language edition, shall comply with the disclosure requirements of this proviso.

Issued: January 11, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary

[F.R. Doc. 65-2925; Filed, Mar. 22, 1965; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6809]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Interest Equalization Tax Returns

Pursuant to section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), as amended by section 3(c) of the Interest Equalization Tax Act (78 Stat. 844), and the Executive order[1] signed this date concerning inspection of interest equalization tax returns, § 301.6103(a), and paragraphs (a)(2), (a)(3)(i), (c)(1)(i), and (d)(3) of § 301.6103(a)–1 of the Regulations on Procedure and Administration (26 CFR Part 301), as prescribed by Treasury Decision 6543, approved January 17, 1961, and Treasury Decision 6646, approved April 4, 1963, are amended to extend the rules for inspection by certain classes of persons and State and Federal government establishments now provided in the case of returns in respect of the income tax and certain excise taxes to apply, in general, also to returns in respect of the interest equalization tax. These amended provisions read as follows:

PARAGRAPH 1. Section 301.6103(a) is amended by revising section 6103(a) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6103(a) Statutory provisions: publicity of returns and lists of taxpayers; public record and inspection.

Sec. 6103. *Publicity of returns and lists of taxpayers*—(a) *Public record and inspection.* * * *

(2) All returns made with respect to the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B, C, and D of chapter 33, subchapter B of chapter 37, and chapter 41, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

* * * * *

(Sec. 6103 (a) as amended by sec. 3(c), Interest Equalization Tax Act (78 Stat. 844))

PAR. 2. Section 301.6103 (a)–1 is amended by revising paragraphs (a)(2), (a)(3)(i), (c)(1)(i), and (d)(3). These amended provisions read as follows:

§ 301.6103(a)–1 Inspection of returns by certain classes of persons and State and Federal government establishments pursuant to Executive order.

(a) *In general.* * * *

(2) *Scope.* This section and the Executive orders pursuant to which this section is prescribed govern the inspection of returns by the classes of persons and State and Federal government establishments designated in the succeeding paragraphs of this section insofar as such inspection is permissible only upon order of the President and under regulations approved by the President. Specifically, this section relates to inspection of returns made in respect of the taxes imposed by the following subdivisions of the Code: Chapters 1, 2, 3, and 6 (income taxes); chapter 5 (tax on transfers to avoid income tax); chapter 11 (estate tax); chapter 12 (gift tax); chapter 23 (unemployment tax); chapter 32 (manufacturers excise taxes); subchapters B, C, and D of chapter 33 (communications tax, transportation taxes, and tax on safe deposit boxes, respectively); subchapter B of chapter 37 (tax on coconut and palm oil); and chapter 41 (interest equalization tax).

(3) *Terms used*—(i) *Return.* For purposes of section 6103(a), the term "return" includes information returns, schedules, lists, and other written state-

[1] See Title 3, Executive Order 11206, *supra.*

ments filed with the Internal Revenue Service which are designed to be supplemental to or to become a part of the return, and, in the discretion of the Secretary or the Commissioner or the delegate of either, other records or reports containing information included or required by statute to be included in the return. A notice of acquisition filed under section 4917 is a return for purposes of section 6103. An application for exemption from income tax under section 501(a) filed by an organization described in section 501 (c) or (d) in order to establish its exemption is not a return for purposes of section 6103. For provisions opening to public inspection exemption applications with respect to which a determination has been made that the organization is entitled to exemption from income tax under section 501(a), see section 6104(a) and § 301.6104–1.

* * * * *

(c) *Inspection by certain classes of persons*—(1) *Returns in respect of income tax, unemployment tax, and certain excise taxes*—(i) *In general.* Returns in respect of the taxes imposed by chapters 1, 2, 3, and 6 (income taxes), chapter 5 (tax on transfers to avoid income tax), chapter 23 (unemployment tax), chapter 32 (manufacturers excise taxes), subchapters B, C, and D of chapter 33 (communications tax, transportation taxes, and the tax on safe deposit boxes, respectively), subchapter B of chapter 37 (tax on coconut and palm oil), and chapter 41 (interest equalization tax) of the Code shall be open to inspection as hereinafter provided in this subparagraph by certain persons having a material interest which will be affected by information contained in such returns. The word "return," as used in the succeeding subdivisions of this subparagraph, refers to a return made in respect of any of the taxes described in the preceding sentence except as such word is expressly limited in any such subdivision to the return of a particular tax.

* * * * *

(d) *Inspection by States, the District of Columbia, the Commonwealth of Puerto Rico, and possessions of returns in respect of certain taxes.* * * *

(3) *Inspection of excise tax returns by States, the District of Columbia, the Commonwealth of Puerto Rico, and possessions.* Returns in respect of the excise taxes imposed by chapter 5 (tax on transfers to avoid income tax); chapter 32 (manufacturers excise taxes); subchapters B, C, and D of chapter 33 (communications tax, transportation taxes, and tax on safe deposit boxes, respectively); subchapter B of chapter 37 (tax on coconut and palm oil); and chapter 41 (interest equalization tax) may, in the discretion of the Secretary or the Commissioner or the delegate of either, be made available for inspection by any properly authorized official, body, or commission, lawfully charged with the administration of any tax law of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States, for the purpose of such administration.

* * * * *

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section (4)(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section (4)(c) of that Act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

DOUGLAS DILLON,
Secretary of the Treasury.

Approved: March 18, 1965.

LYNDON B. JOHNSON,
The White House.

[F.R. Doc. 65–3066; Filed, Mar. 22, 1965; 11:05 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Sandy Hook Bay, N.J.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.19 governing the use and navigation of a danger zone in Sandy Hook Bay at Fort Hancock, N.J., is hereby revoked, effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.19 Sandy Hook Bay; mine practice training area, Fort Hancock, N.J. [Revoked]

[Regs., Mar. 5, 1965, 1507–32 (Sandy Hook Bay, N.J.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–2927; Filed, Mar. 22, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

Application for Privileges

The regulations of the Post Office Department are amended as follows for purposes of clarification:

In § 22.3 amend subparagraph (4) of paragraph (c) to read as follows:

§ 22.3 Application for second-class privileges.

* * * * *

(c) *Applications for publications that have second-class privileges.* * * *

(4) An application to deliver copies of a second-class publication at the publishers' expense and risk from the post office of original entry or an additional entry post office to other post offices or elsewhere may be filed by the publisher at the office of original or additional entry where the postage is paid on the copies which will be transported. A form is not provided for this kind of application. See § 16.3(f) of this chapter. The corresponding Postal Manual section is 132.33d.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65–2928; Filed, Mar. 22, 1965; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Deadline for Applications With Respect to Funds Available During Fiscal Year 1965

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended, issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967), (20 U.S.C. 631–645), is hereby amended by adding a new § 114.29c, establishing a second deadline date for filing applications with respect to funds available during fiscal year 1965. The new § 114.29c reads as follows:

§ 114.29c Second deadline for applications with respect to funds available during fiscal year 1965.

For the purposes of sections 3 and 14 of the Act, June 28, 1965, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642; secs. 303, 401, 67 Stat. 522, as amended; 20 U.S.C. 633, 644)

Dated: March 8, 1965.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: March 17, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65–2951; Filed, Mar. 22, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 12]

REPORTS OF CHANGE OF CONTROL OF NATIONAL BANKS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the National Banking Laws (R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.), is considering the adoption of amendments to 12 CFR Part 12, originally promulgated in December 1962 and amended in August 1964, dealing with the subject of changes in the ownership and control of national banks.

The purpose of the amendments is to impose certain additional requirements as to publication and reporting in connection with transactions which result in a change in the control of the management of a national bank. The amendments impose the following additional requirements:

(1) Reports filed pursuant to § 12.1 are required to be published once in a local newspaper.

(2) In addition to the report now required to be filed by the chief executive officer of the bank pursuant to § 12.1, similar reports are required to be filed by the record transferees of stock involved in a change of control.

(3) Transferees of such stock are required to cause their names to be listed as the record owners not later than the close of the next business day following such transfer.

(4) Beneficial owners of such stock after such transfer are required to file biographical and financial information with the Comptroller of the Currency not later than 10 days following the transfer.

(5) Chief executive officers and directors who become such within the 12-month period following such a transfer are required to file biographical and financial information with the Comptroller of the Currency not later than 10 days after becoming chief executive officer or director.

(6) Record and beneficial owners of such stock and such chief executive officers and directors are prohibited from participating in any manner in the conduct of the affairs of the bank or soliciting proxies with respect to stock of the bank or voting any stock at any meeting of shareholders, until all of the reports and forms required by this Part have been filed by such individuals and accepted by the Comptroller of the Currency.

Prior to the adoption of the amendments, consideration will be given to any written comments pertaining thereto which are submitted within 30 days of the publication hereof to the Comptroller of the Currency, Washington, D.C. All national banks and other interested parties are invited to submit such comments.

The proposed amendments are as follows:

Section 12.1 is amended by changing the headnote to read *"Reports by Chief Executive Officer"* and changing the last sentence of the first paragraph to read as follows: "The report shall be in letter form and shall contain the following information to the extent that it is known to the person making the report: (a) The number of shares involved; (b) the names and addresses of the sellers (or transferors); (c) the names and addresses of the purchasers (or transferees); (d) the names and addresses of the beneficial owners if the shares are registered in another name; (e) the purchase price; (f) the total number of shares owned by the sellers (or transferors); the purchasers (or transferees); and (g) beneficial owners both immediately prior to and after the transaction."

A new § 12.1a is added as follows:

§ 12.1a Publication of change of control report.

Whenever a report is submitted to the Comptroller of the Currency pursuant to § 12.1 and not later than 1 day following the submission of such report, the person making the report shall deliver for publication at least once in a newspaper of general circulation in the place where the main office of the bank in question is located, a copy of such report except that the published report need not contain the purchase price of the shares in question. Within 1 day after the publication of such report, the reporting person shall mail a clipping or tearsheet of such publication, identifying the title and date of the publication, to the Comptroller of the Currency, Attention: Chief Counsel, Washington, D.C.

New §§ 12.1b–12.1f, are added as follows:

§ 12.1b Reports by new record owners.

The transferee of any stock which is involved in a change in control transaction as described in § 12.1 shall, within two business days thereafter, file a report containing the information set forth in § 12.1 with the Comptroller of the Currency in Washington, D.C., and duplicate copies of said report with the Regional Comptroller of the Currency for the region in which the bank is located and with the chief executive officer of the bank.

§ 12.1c Stock transfer to be promptly recorded.

The transferee of any stock involved in a change of control transaction described in § 12.1 shall cause his name to be listed as the record owner thereof within two business days following such transfer.

§ 12.1d Information to be filed by beneficial owners.

Within 10 days after the filing of any report pursuant to § 12.1a or § 12.1b, each person identified in such report as a beneficial owner of stock following the transaction reported shall file with the office of the Regional Comptroller of the Currency, biographical and financial information on forms obtained from such office.

§ 12.1e Information to be filed by new chief executive officers and directors.

Each person who becomes a chief executive officer or a director of the bank in question, within the 12-month period following a change in control described in § 12.1, shall file with the office of the Regional Comptroller of the Currency on forms obtained from such office, biographical and financial information within 10 days after his appointment or election.

§ 12.1f Prohibition of assertion of control.

No transferee of stock involved in a change of control transaction described in § 12.1 or beneficial owner of such stock after such transfer, or chief executive officer or director appointed or elected within the 12-month period following such transfer, shall participate in any manner in the conduct of the affairs of such bank, or directly or indirectly solicit or procure any proxy, consent, or authorization in respect of any voting right in such bank, or vote or attempt to vote any proxy, consent, or authorization at any meeting of shareholders of such bank, or act as a director, officer or employee of such bank, unless and until such person has filed in proper form, biographical and financial information forms pursuant to § 12.1d and § 12.1e and such forms have been accepted by the Comptroller of the Currency.

Dated: March 19, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65-3024; Filed, Mar. 22, 1965; 10:00 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Blocked Earnings and Profits; Hearing

The proposed amendment to the regulations under section 964(b) of the Code, relating to blocked earnings and profits, was published in the FEDERAL REGISTER for February 13, 1965.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, April 8, 1965, at 10:00 a.m., e.s.t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth

and Fourteenth Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by April 2, 1965. Telephone (Washington, D.C.) 964-3970.

Mitchell Rogovin,
Chief Counsel.

[SEAL] CHARLES R. SIMPSON,
Director,
Legislation and Regulations Division.

[F.R. Doc. 65-2936; Filed, Mar. 22, 1965; 8:46 a.m.]

[26 CFR Part 1]

INCOME TAXES

U.S. Shareholders in Foreign Corporations; Hearing

The proposed amendment to the regulations under section 964(c) of the Code, relating to controlled foreign corporations—records and accounts of United States shareholders, was published in the FEDERAL REGISTER for March 2, 1965.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, April 8, 1965, at 11:00 a.m., e.s.t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by April 2, 1965. Telephone (Washington, D.C.) 964-3970.

Mitchell Rogovin,
Chief Counsel.

[SEAL] CHARLES R. SIMPSON,
Director, Legislation and Regulations Division.

[F.R. Doc. 65-2937; Filed, Mar. 22, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1003]

[Docket No. AO-293-A9]

MILK IN WASHINGTON, D.C., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), a public hearing was held at Gaithersburg, Md., on January 6, 1965, pursuant to notice thereof issued on December 15, 1964 (29 F.R. 18014).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on February 17, 1965 (30 F.R. 2402; F.R. Doc. 65-1835) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 2402; F.R. Doc. 65-1835) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Three new paragraphs are added following the last paragraph in Issue No. 1.

2. A new paragraph is added after the third paragraph of Issue No. 3.

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

1. Diversion of milk to plants regulated by other Federal orders.

2. Classification of milk used to produce yogurt.

3. The base and excess provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of milk to plants regulated by other Federal orders.* The proposal to allow diversion of producer milk to plants regulated by other Federal orders is denied.

As proposed, the order would be amended to allow the diversion of producer milk to any other Federal order. The proposal was offered by a proprietary handler to enable him to divert producer milk to a plant regulated by the Delaware Valley Federal milk order for use in the manufacture of cottage cheese. Under the present provisions, any milk received at the Delaware Valley pool plant from a qualified dairy farmer is pooled in the Delaware Valley order regardless of its prior status under this order.

Prior to June 1964, the proponent handler operated a nonpool plant at Frederick, Maryland, at which cottage cheese was manufactured for disposition from his Washington regulated distributing plant. The Frederick plant, which closed recently, received producer milk diverted from Washington order pool plants. The cottage cheese needs of the handler's Washington pool plant are now obtained from a Delaware Valley order pool plant at Chambersburg, Pennsylvania. In addition to supplying cottage cheese to his Washington pool plant, the Chambersburg plant supplies cottage cheese and other manufactured products for the handler's distributing plant regulated under the Upper Chesapeake Bay order and his Delaware Valley regulated distributing plant.

It was the handler's contention that Washington producers should continue to supply milk to Chambersburg in sufficient quantities to satisfy his Washington cottage cheese needs. Opposition to this proposal, however, was indicated by representatives of certain producer associations who expressed concern that adoption of the provision would result in increasing the amount of surplus milk under the Washington order.

There is no provision in either order to preclude Washington producers from supplying milk to Chambersburg for cottage cheese. As indicated earlier, any milk so moved to a Delaware Valley order pool plant is now pooled under that order. The proposed amendment, however, would provide for the pooling of such milk in the Washington market.

It is not the function of the diversion provisions to provide a supply of milk for manufacturing uses in other markets. Their purpose is to provide a means to dispose of milk in excess of the market's needs without receiving such milk at a pool plant before transfer to manufacturing facilities. It was not shown that it is necessary to expand the diversion provisions of the Washington order to insure outlets for reserve supplies.

Regardless of whether the Class II milk at Chambersburg is supplied by Washington or Delaware Valley producers, the order cost to the handler would be the same since the Class II prices under these orders are identical. But if the handler's proposal were adopted, the Washington order milk would be considered, for pricing purposes, to have been received at the location of a plant at which no minus location differential would apply and the producers whose milk is diverted would receive the uniform price f.o.b. the marketing area. Thus, the cost to the Washington order pool for the milk so diverted would be the full difference between the uniform price and the Class II price.

Delaware Valley is an individual-handler pool order. A handler's uniform price to his producers is determined by his utilization only. To the extent that more liberal diversion provisions would permit a handler to allocate a portion of his individual-handler pool Class II uses to the Washington market, it could enable him to maintain or improve his competitive position in the procurement of milk for the individual-handler pool plant at the expense of producers in the Washington market.

In his exceptions, the proponent handler claimed that adoption of his proposal would have no adverse effect on the regulation since it was offered for the limited purpose of obtaining Washington order milk in sufficient quantities to supply his Washington cottage cheese needs. The handler pointed out that the milk for such needs historically had been supplied by the Washington market and, therefore, adoption of the proposal would not increase the amount of Class II milk in the Washington pool.

Although there is no reason to believe that the proponent handler would use such a provision to obtain regulated milk for more than just his Washington needs, it would not be practicable to provide such a limitation on diversions. Nor would it be possible to limit any such provision to handlers who historically had been supplied Class II milk by Washington producers.

In view of the adequacy of present surplus handling facilities in this market, the proposed provision is not necessary to achieve the orderly disposition of the reserve supply of the market.

2. *Classification of milk used to produce yogurt.* A proposal was included in

the hearing notice to specifically exclude yogurt from the "fluid milk product" definition, thus providing a Class II classification for such product.

In the course of the testimony, it was brought out that under the present order yogurt is considered a non-fluid milk product and, hence, already is classified as Class II. Nevertheless, in view of the question raised by proponent in this regard, the order should be clarified to specifically exclude yogurt from the fluid milk product definition.

3. *The base and excess provisions.* The base and excess provisions should be amended to (a) change the method of computing a producer's base deliveries, (b) permit the free transfer of bases, and (c) establish 1965 bases for producers who lost their market during the past base-making period in 1964, because of pesticidal residues in their milk.

(a) A producer's deliveries eligible for the base price are now computed by multiplying the producer's daily base by the days of delivery during the month; for a producer on every-other-day delivery, a day of non-delivery following a day of delivery during the month is included in such computation. It was pointed out by proponent cooperative that when a day of non-delivery falls on the first day of the month, a producer's base deliveries are reduced even though his milk continues to be received in the market. To overcome this problem, it was proposed that the quantity of milk eligible for the base price be computed by multiplying a producer's daily base by the number of days in the month.

The present provision which relates a producer's base to the days of delivery during the month should be continued. To adopt the proposal as offered by the proponent cooperative would permit a producer to avoid the excess price in any month by discontinuing shipment when he delivered an amount of milk equal to his daily base times the number of days in the month. However, the particular problem presented by proponent may be resolved by specifying that a day of non-delivery, prior to a day of delivery, should be used in computing base milk even though it may fall in the preceding month. The order is amended accordingly.

A corollary change for the computation of base provides that when a producer on every-other-day delivery ships to a pool plant on the first day of the base-making period (July 1), the number of days used in computing his base be increased by one. This is necessary since an additional day of production would be included in his deliveries during the base-making period.

(b) The proposed provisions for the free transfer of bases are the same as those in the Upper Chesapeake Bay order. Under the present provisions of the Washington order, a base may be transferred only when the herd is transferred with it.

A representative of the proponent cooperative association stated that the present provisions for base transfer are subject to abuse by producers who convey all or a part of a herd for the sole purpose of transferring a base. Moreover, it was stated that in the area where the Washington and Upper Chesapeake Bay production areas overlap, there is considerable confusion among producers because of the different base rules under the two orders.

The present restrictions on base transfers under the Washington order have not added to the effectiveness of the base plan. Because of the close relationship of the Washington and Upper Chesapeake Bay markets, it is desirable, insofar as it is practicable, to have comparable provisions in both orders. The proposal to remove restrictions on base transfers was supported by all producer groups at the hearing.

The present order provides for the allotment of only one base in the case of joint ownership or operation of a dairy farm; in the event of the dissolution of such joint ownership or operation, the base may be transferred only in its entirety. The base transfer provision should be revised to permit the division of a base among joint holders upon termination of the joint ownership or operation arrangement, if certain conditions are met.

If a copy of the agreement setting forth each owner's proportion of the base is filed with the market administrator before the end of the base-making period, each would be entitled to his stated share of the base upon termination of the agreement. A person who does not remain with the farm operation then would have his stated share of such base for any other dairy operation. These proposed provisions are the same as those in the Upper Chesapeake Bay order.

(c) At least 23 producers on the Washington market were prevented from delivering their milk to pool plants during all or part of the 1964 base-forming period because it contained residues of a pesticide. Producers who used such pesticide according to procedures approved by the United States Department of Agriculture have been compensated under the Economic Opportunity Act of 1964 for milk production which was lost. These producers would suffer an additional loss under present order provisions through their inability to have such lost production counted in establishing bases for the 1965 base-paying months.

Under present provisions, the daily base for each producer is computed by dividing his total deliveries to pool plants during the base-forming period (July through December) by the number of days of production represented by such deliveries or by 154, whichever is greatest. In the absence of amendatory procedure, the daily base of those producers who were prevented from shipping their milk to pool plants on at least 154 days during the base-forming period will be reduced, thus increasing the amount of milk on which the excess price will apply in the base-paying months.

It should be noted that these provisions differ from those in most Federal orders with base-excess provisions. Under the present provision of this order, there is no way for a producer to obtain a base, except by shipping milk during the base-forming months. It was stated at the hearing that several of the producers who lost their market were prevented from shipping during the full base-forming period. In the absence of an order amendment, these producers will receive the excess price for all of their deliveries in April, May and June, 1965. In contrast, most other orders provide an interim base for a producer on the market in the base-paying months but not in the base-forming months. Generally such base is equal to a specified percentage of his deliveries during the base-paying months.

The proposal was offered by the cooperative association representing a large majority of producers on the market for the limited purpose of providing a base for producers who were off the market because their milk contained pesticidal residues. Establishing a producer's base on the quantity of milk for which he received indemnity payments plus that actually delivered to a pool plant in the past base-forming period will obtain for him a base equivalent to that which would have been otherwise assigned him under usual conditions. The information on which to verify the quantities on which indemnity payments were made is readily available to the market administrator at the appropriate County Office of the Agricultural Stabilization and Conservation Service.

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.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Washington, D.C., Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Washington, D.C., marketing area, is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 18, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area*

§ 1003.0 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 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 Washington, D.C., 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;

(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.

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator on February 17, 1965, and published in the FEDERAL REGISTER on February 24, 1965 (30 F.R. 2402; F.R. Doc. 65-1835), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision: The introductory text of § 1003.63 is changed.

1. In § 1003.16 paragraphs (a) and (d) are revised to read as follows.

§ 1003.16 Definitions of milk and milk products.

(a) "Fluid milk product" means milk and skim milk, concentrated milk (including frozen concentrated milk), reconstituted or fortified milk and skim milk, flavored milk and skim milk, cultured skim milk, buttermilk, cream and any mixture of cream and milk or skim milk. "Fluid milk product" shall not include aerated cream, sour cream, yogurt, eggnog, and products which are packaged in hermetically sealed containers;

* * * * *

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of April through June of each year which is not in excess of such producer's daily average base computed pursuant to § 1003.63 multiplied by the number of days on which such producer's milk was received by such pool handler during the month: *Provided,* That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph.

* * * * *

2. In § 1003.63, the introductory text is revised, the language "paragraphs (b), (c) and (d)" in paragraph (a) is revised to "paragraphs (b), (c), (d) and (e)", and a new paragraph (e) is added to read as follows:

§ 1003.63 Computation of base for each producer.

For each of the months of April through June of each year, the market administrator shall compute, subject to the rules set forth in § 1003.64, a base for each producer described in paragraphs (a) through (e) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1st) less the number of days, if any, during the immediately preceding base-forming period of July through December, for which it is shown that the days production of milk of such producer was not received by a pool handler as described in the applicable paragraph of this section under which such producer's base is computed: *Provided, That,* except as provided in paragraph (e) of this section, the number of days used to compute a producer's base pursuant to this part shall be not less than 154.

* * * * *

(e) For any dairy farmer whose milk was not received at a pool plant during the period July 1, 1964, through December 31, 1964, because it contained pesticidal residues, but who was a producer immediately prior to the action resulting in the loss of his market, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during the July–December 1964 period by pool handlers plus the quantity of milk eligible for indemnity payments under the Economic Opportunity Act of 1964 during the same period.

3. Section 1003.64 is revised to read as follows:

§ 1003.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1003.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other

[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.

person upon written application to the market administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the market administrator and shall be signed by the base holder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns.

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1003.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm; and

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the agreement setting forth as a percentage of the total the interests of each person in the base is filed with the market administrator before the end of the base-making period, then upon termination of the agreement each joint holder will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such division with respect to any joint holder to be effective as of the end of any month during which an application for such division signed by each joint holder is received by the market administrator.

[F.R. Doc. 65-2943; Filed, Mar. 22, 1965; 8:47 a.m.]

[7 CFR Part 1036]

[Docket No. AO-179-A24]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on October 20-21, 1964, pursuant to notice thereof issued on September 24, 1964 (29 F.R. 13483).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on February 16, 1965 (30 F.R. 2279; F.R. Doc. 65-1786), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (30 F.R. 2279; F.R. Doc. 65-1786) are hereby approved and adopted and are set forth in full herein:

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

1. Diversion of producer milk;
2. Qualifications for attaining pool plant status;
3. Accounting for bulk tank milk under certain specified conditions;
4. Classification provisions;
5. The Class I milk price;
6. The Class II milk price;
7. Location differentials;
8. Seasonal incentive payments; and
9. Miscellaneous and conforming changes.

A decision was issued on December 15, 1964 (29 F.R. 18091), dealing only with that portion of Issue No. 5 relating to the use of market statistics of the North Central Ohio milk order (Part 1037) in the computation of the supply-demand adjustment under the Northeastern Ohio milk order. This decision is concerned with the remaining issues.

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. *Diversion of producer milk.* Diversions to a nonpool plant in August through March should be limited to those producers whose production is delivered to a pool plant on at least 6 days during the month. In order to establish status as producer milk and, hence, eligible to be diverted in the current or any subsequent month a producer's deliveries should be initially received at a pool plant. Milk diverted to a nonpool plant should continue to be priced at the location of the plant from which diverted.

Because there is now no limitation on diversions to nonpool plants, a producer is not required to deliver his milk to a pool plant at all during a month to have it included in the pool. There was general agreement at the hearing that some limit should be placed on diversions of producer milk. The various proposals ranged from requiring that 3 days' production be received at a pool plant to requiring that 15 days' production be received at a pool plant.

When producer milk is not needed in the fluid market because of seasonal or day-to-day variations in demand, it is more economical to deliver it directly to a nonpool plant for manufacture instead of receiving it at a pool plant before transferring it to such manufacturing facility. The testimony offered at this hearing showed the need for maintaining reasonable diversion provisions to accommodate the efficient handling of producer milk in the Northeastern Ohio market.

It is recognized that the diversion limitation proposed herein is a modest one. Certainly, it is a more liberal provision than is contained in most other Federal orders. But, since the order has for several years contained no limitation on diversions, a reasonable period of time undoubtedly will be needed to adjust to diversion limitations. The purpose of the proposals offered is not to exclude from the pool milk that is eligible for fluid distribution. Requiring that any such milk be received at a pool plant at least part of the time during the short production months will insure its availability for the market's Class I needs.

Unlimited diversion privileges should be continued in the flush production months of April through July. This is the time of the year in which milk supplies are seasonally high. Permitting unlimited diversions in these months will assist handlers in disposing of seasonal surpluses.

Some witnesses expressed concern that the present provisions for pricing milk at the location of the plant from which diverted enable a producer to associate his milk with a pool plant at a location at which no (or a relatively low) location differential applies and then divert his milk to a nonpool plant (at which location a high location differential would be applicable) nearer his farm at a hauling charge significantly less than for delivery to the pool plant. Various proposals were suggested which would price all or part of the diverted milk at the location of the nonpool plant where it was actually received. However, the spokesman for a producer association indicated that he did not believe that the present provisions are being abused.

The problems presented by proponents arise, at least in part, because of the present lack of any limitation on diversions and because the present location differentials do not reflect the present-day costs of moving milk to market (this latter point is discussed fully under Issue 7). It is noteworthy, however, that there are no specific instances of abuse cited.

In view of other changes proposed herein, which should tend to discourage any such abuses in the future, and since there is no evidence of disorderly marketing under present provisions, it is concluded that the point of pricing should not be changed at this time.

Proposals dealing with diversions between pool plants were concerned with who should account for a producer's milk received by more than one pool handler during the month and at which plant location should such milk be priced if received at plants in different pricing zones. Diversions to pool plants are to be distinguished from diversions to nonpool plants in that when diversions occur between pool plants, there is no question as to whether the milk should be pooled.

Diverted milk is now deemed to have been received at the pool plant from which diverted irrespective of the number of days during the month such milk is diverted. Hence, the diverting handler must pay producers for such milk at the order prices applicable at the zone location of his plant even though the milk actually may not be received at this location. It was indicated that a number of handlers receive all their milk by diversions, generally from the plant of a cooperative. The milk is priced, however, as if received at the cooperative's plant.

Location differentials are intended to appropriately reflect the locations at

which milk is received from producers. Obviously, if location differentials are to carry out their function in equating the order prices at the various plant locations in the Northeastern Ohio market, there must be provision for recognizing a specific plant location to which the milk is delivered for the purpose of applying order prices.

This may be accomplished by pricing milk diverted between pool plants at the location of the plant from which diverted if at least 6 days' milk production of the producer is received at such plant. Pricing diverted milk in the above manner will treat such milk in a manner similar to that provided for diversions to nonpool plants insofar as the application of location differentials is concerned. Regardless of the point at which the milk is priced, the accountability for such milk would rest with the diverting handler if more than one handler is involved in such diversion.

2. *Qualifications for attaining pool plant status.* The requirements for distributing plants and supply plants to obtain pool plant status should not be changed.

Proposals to increase the percentage standards for pool participation were submitted by a cooperative association and by a proprietary handler. The cooperative's spokeman stated that its proposals for increasing the pool standards were submitted at a time when it appeared that producer milk was not being made available for the fluid market even though ample supplies were included in the marketwide pool. However, it was stated further that the marketing conditions which prompted the proposals no longer exist. The handler offered no support of his proposal. In view of the lack of evidence as to the need for changing the percentage standards for pool participation, the proposals are denied.

Also considered at the hearing was a proposal to eliminate the provision which permits two or more supply plants to qualify for pool status on the basis of their combined performance. This proposal is denied. There was no evidence to show that the system pooling provision has been a deterrent to the movement of milk to market. Although the pooling provisions must provide reasonable assurance that participating plants will make their milk available for the fluid market, they should not be such as to require inefficient movements of milk between plants for the sole purpose of retaining pool status.

System pooling allows a handler considerable flexibility in supplying his fluid needs and in disposing of his reserve supplies. From an economic standpoint, it is preferable to leave the most distant milk in the country when it is not needed for fluid purposes. The system pooling provision permits a multiple supply plant handler to do this without making uneconomical shipments from the most distant plants merely to retain pool status. In addition, the provision provides assurance that a multiple plant handler will perform in a manner similar to other handlers in supplying a specified percentage of his total milk supply for the Class I market.

A suggestion was made at the hearing that the order be amended to provide a "call provision" under which the market administrator would have the authority to require supply plants to ship a specified percentage of their dairy farmer receipts to pool distributing plants. It was stated that such a provision would provide additional assurance that supply plants would meet their obligation to supply the fluid market.

The testimony concerning a call provision was in general terms and does not provide a sufficient basis on which to develop such a provision. Although it was suggested that a call provision similar to that included in the Southern Michigan order (of which official notice was taken at the hearing) might be appropriate for the Northeastern Ohio order, the record does not support such a change at this time and, accordingly, the proposal is denied.

3. *Accounting for bulk tank milk under certain specified conditions.* The cooperative association should be permitted to be a handler with respect to milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

The proposal to make a cooperative the handler on bulk tank milk was submitted by the principal Northeastern Ohio handlers and was opposed by producers. The proposal, as submitted, would have made it mandatory for a cooperative to be a handler on its bulk tank milk delivered to other handlers. Handlers, however, testified that they would prefer that the provision be adopted on a permissive basis rather than be denied.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay producers. Once milk from a producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. The operator of a pool plant to which the load is delivered has an opportunity only to determine the weight and butterfat test of the total load.

Where a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. It is desirable, therefore, that the cooperative be the responsible handler under such circumstances, if it so elects. The milk delivered by the cooperative as a handler would continue to be classified and allocated at each plant of receipt and the operator of the plant would be obligated to pay the cooperative the uniform price applicable at the plant.

Enabling a cooperative to be a handler on its member producers' bulk tank milk will afford a more satisfactory basis of accounting for such milk and will provide added flexibility to a cooperative association in allocating its members' bulk tank milk among handlers at any time such flexibility is needed. The pool plant operator, however, would continue to be responsible to the producer-settlement fund and for the administrative assessment on such milk.

If a cooperative association elects to be the handler on its members' bulk tank milk, and accounts for such milk on the basis of farm weights and tests, it should be allowed a Class II shrinkage allowance as is granted on other interhandler transfers.

4. *Classification provisions.*

(a) A single classification (Class II) should be provided for milk now classified in Classes II and III and priced at the present Class III price.

The proposal to combine Classes II and III was made by the Northeastern Ohio Milk Market Survey Committee, representing 21 regulated handlers. Although the proposal was opposed by producers, they generally indicated that they would not object to adopting the proposal if appropriate adjustment to the Class I price resulted in no reduction in the uniform price to producers. Handlers stated that they had no objection to an increase in the Class I price sufficient to offset any reduction in the uniform price due to their proposal. (Such compensating adjustment in the Class I price is dealt with in Issue 5.)

The products now included in Class II are cottage cheese and sour cream. For milk used to produce these products the applicable order price is approximately 25 cents per hundredweight above the Class III price.

Products included in Class II, the most important of which is cottage cheese, compete with similar products from other sources (both federally regulated and unregulated) where the applicable price approximates the Northeastern Ohio Class III price.

In the nearby Federal order markets of Youngstown-Warren and Northwestern Ohio, milk used for cottage cheese is priced at the Northeastern Ohio Class III price level. The same is true in other Federal order areas from which cottage cheese may be imported into the Northeastern Ohio market.

Athough the health inspection requirements for milk used for cottage cheese and sour cream manufacture vary within the Northeastern Ohio market, such products need not meet the same inspection requirements as milk for fluid consumption. The significant fact in the present circumstance is that there are no health regulations which restrict the importation of such products from areas where they are priced at the level represented by the Northeastern Ohio Class III price. Under these conditions, Northeastern Ohio regulated handlers are at a competitive disadvantage in competing for sales of these products in their principal sales areas. To avoid the higher cost represented by the present Class II price, it is possible for handlers to purchase cottage cheese from plants in other areas. In fact, at least one handler already has turned to other sources for his cottage cheese needs.

There is no advantage to producers in obtaining a higher price for milk used in the present Class II products when handlers may avoid the additional cost by turning to other sources. In fact, an

unrealistically high price for such products could only discourage the use of producer milk in their manufacture, resulting in the loss of important outlets for reserve milk supplies.

(b) The order should continue to include fluid cream in the Class I classification. A handler's proposal would classify cream in the manufacturing class utilization.

Handlers claim that the order price (Class I) for fluid cream is higher than in surrounding markets and is responsible for the gradual decline in cream sales.

Milk used for fluid cream must be approved for fluid consumption by local health authorities. There is no apparent distinction between fluid cream and all other Class I products which must come from inspected sources. Producers are relied upon for the market's fluid cream requirements and they must incur the additional costs involved in the production of milk of acceptable quality for such product.

Handlers indicated that an alternative to classifying cream in the lowest use class would be to reduce the Class I butterfat differential. They noted that the Northeastern Ohio Class I butterfat differential is among the highest butterfat differentials under the Federal milk order program.

Because of the relatively large percentage of butterfat in fluid cream, the butterfat differential adjustment has a significant effect on the price established for fluid cream. However, no proposals in the hearing notice indicated that changes in the Class I butterfat differential would be considered. Consequently, the record lacks a showing as to how such a change would affect the pricing of other Class I products. Fluid milk products other than cream, of course, account for most of the market's total Class I utilization. Accordingly, such a change should not be considered at this time. The matter could be considered at another hearing, however, at which specific proposals to accomplish such a change are included in a notice of hearing.

(c) Sterilized cream received and disposed of in hermetically sealed containers should be excluded from the "fluid milk product" definition. By excluding sterilized cream from the fluid milk product definition, it will be classified as Class II rather than Class I.

Some handlers regulated by the Northeastern Ohio milk order distribute a product called sterilized cream for whipping. The product is packaged in hermetically sealed containers. It is received and disposed of in the same container.

The sterilized cream is manufactured in a processing plant located in California. The manufacturer's representative testified that cream derived from both Grade A milk and ungraded milk is used in the product. The manufacturer has not been required by health authorities to use cream derived from Grade A milk.

It was proposed that all sterilized fluid products be excluded from the fluid milk product definition. The effect of that change in definition would be to classify milk used in all sterilized products as Class II rather than Class I.

The evidence submitted dealt with sterilized whipping cream manufactured in the California plant. The only known source of the product is the plant at Gustine, Calif., where the cream is purchased for about 80 cents per pound fat. This fat is purchased as cream of 40 percent butterfat content and is standardized with purchased skim milk. The product incurs considerable transportation cost since it is manufactured in a plant approximately 2,400 miles from Cleveland. Based on the cost of the butterfat and the transportation charges to Cleveland, the cost of the product exceeds by a wide margin the Northeastern Ohio Class I price. This product, therefore, has no competitive advantage based on cost of raw milk as compared to producer milk disposed of as unsterilized cream. Hence, its classification as Class II will not disturb the orderly marketing of milk in the area.

(d) Butterfat in fluid milk products which are dumped should be classified in the lowest use class (Class II).

A handler proposed that the order be amended to (1) permit butterfat in fluid milk products dumped to be accounted for as so disposed of and therefore to be classified as Class II milk, and (2) include in the lowest use class also any loss of products resulting from broken containers. This would be separate and apart from the maximum two percent shrinkage allowance now assignable to the lowest use class.

In the case of route returns of certain fluid milk products, such as homogenized milk and milk products and chocolate milk, it is difficult and impractical to salvage the butterfat for further use unless the handler can dispose of it as livestock feed (which already is classified in the lowest use class).

Skim milk in products dumped presently may be classified in the lowest use class if the market administrator has been notified in advance of the contemplated dumping action and afforded the opportunity to verify it. Likewise, the dumping of butterfat in fluid milk products should be made only on advance notification to the market administrator with opportunity given for him to verify it.

The proposal to classify in the lowest use class any "waste" milk or milk product resulting from broken containers over and above the quantities thereof permissible under the present shrinkage allowance and dumping provisions should not be adopted.

Although handlers suffer losses when containers are broken, it is not reasonable to pass back to producers this cost of operating a milk plant. To grant the proposal would assess against producers a cost brought about not by lack of efficiency or responsibility on their part, but by lack of efficiency or responsibility of persons or equipment over which only the handler has control. The proposal would not encourage maximum efficiency in milk handling. The handler has bought the milk on delivery to his plant. It is his responsibility to handle it efficiently. Moreover, it would be impractical for the market administrator to verify each loss resulting from a container broken either in a plant or on a route.

5. *The Class I milk price.* The Class I price should be increased 5 cents in April through July to compensate for the classification changes provided in Issue 4. This action will increase the annual average Class I price approximately 1.6 cents per hundredweight.

The amount represented by increasing the Class I price 5 cents in the 4 flush months approximates, and offsets, the annual decrease in the value of milk used in cottage cheese and sour cream under the revised classification. The minor Class I price increase was supported by handlers as a means of maintaining producer returns at current levels. The increase is such that it will have no significant effect on handlers' annual cost of fluid milk and, hence, should not have an effect on prices paid by consumers for Class I milk items.

Limiting such increase to the flush production months will tend to improve the seasonal alignment of Class I prices between Northeastern Ohio and other nearby Federal order markets. The Northwestern Ohio order Class I price differential varies seasonally from $1.13 to $1.36, a difference of 23 cents. The Fort Wayne order Class I price differential is $1.20 in each month of the year. The present Northeastern Ohio Class I differential, however, varies from $1.35 in the flush months to $1.80 in the short months, a difference of 45 cents. As proposed herein, the differential in the flush production months would be $1.40 and the difference between the flush and short months reduced to 40 cents.

Proposals were submitted by two handlers for a Class I price differential of $1.65 in each month of the year. As a substitute for the present seasonally variable Class I price, one handler proposed a seasonal incentive payment plan which would provide for the deduction of specified amounts from the uniform price in April through July for distribution to producers during the following September through December. In proposing a seasonal incentive plan, the handler recognized the necessity of providing some means of encouraging even milk production throughout the year. This plan is discussed under Issue 8.

In support of their proposal for a uniform Class I price differential, handlers stated that the present seasonally variable Class I price causes difficulty in setting resale milk prices. Further, they contended that a uniform Class I price differential would provide better Class I price alignment between the Northeastern Ohio market and other nearby Federal order markets with which there is competition for fluid sales.

Although it was stated that adoption of a uniform Class I price differential would aid handlers in establishing resale prices, the proposal received only limited support from handlers and was opposed by producers. The record lacks a showing that the present seasonal Class I price provision is causing marketing difficulties or that it is not performing

its purpose in leveling seasonal fluctuations in milk production.

With respect to price alignment among competing markets, there is considerable record evidence to show that competition is more significant between the Northeastern Ohio market and markets which also provide for seasonally variable Class I prices, particularly with the Northwestern Ohio market. Abandoning the seasonal Class I pricing provisions could cause marketing difficulties among these markets and thereby defeat a principal purpose for which the proposal was submitted.

A proposal was made at the hearing to change the seasonality incorporated in the supply-demand adjustment. As proposed, the standard utilization percentages would be increased during the short production months and reduced during the flush production months. The proposal was made with the express purpose of obtaining a higher Class I price during certain months of the year; it was not based on any historical or anticipated change in the seasonality of the supply-sales relationship in the Northeastern Ohio market.

The market is adequately supplied in relation to its Class I needs and there is no indication that an abrupt change in the supply-sales relationship is imminent. However, should this relationship change materially, it would be reflected automatically in the Class I price through the normal operation of the supply-demand adjustor. Accordingly, the proposal to increase the Class I price (by changing the seasonality incorporated in the standard utilization percentage of the supply-demand adjustor) is denied.

Another proposal would include in the supply-demand computation all milk used for cottage cheese, sour cream and ice cream mix. In support of this proposal, it was stated that handlers depend on producers to furnish an adequate supply of milk for these uses and therefore it would be appropriate to recognize this fact in the determination of the supply-sales relationship in the supply-demand adjustor.

Even though it has been the practice of producers to supply handlers' milk for these manufacturing uses, handlers need not depend on producers for milk for these uses. As indicated elsewhere in this decision, milk from other sources is available on a reasonable price basis for such products.

It is recognized that cottage cheese, sour cream and ice cream mix represent important outlets for producer milk that is not needed in the Class I market. However, this does not justify increasing the Class I price, which was the indicated purpose of including milk for these uses in the supply-demand computation. In fact, if handlers' purchases from producers for these uses were to influence Class I prices through the mechanics of the supply-demand adjustor, handlers could turn to other sources for the finished products to avoid the resulting higher Class I prices under this order. This, of course, would serve only to reduce the outlets for producer milk.

6. *The Class II milk price.* Proposals were offered which would price milk used for cottage cheese and sour cream (present Class II products) at 30 cents per hundredweight above the Class III price. The present Class II price is based on a separate formula and, as indicated previously, averages about 25 cents per hundredweight above the Class III price. However, in view of the findings previously made to combine Classes II and III into a single classification, to be priced at the level represented by the present Class III price, these proposals are denied for the reasons previously stated.

7. *Location differentials.* Location differential adjustments at plants beyond 60 miles of the basing point (the Public Square in Cleveland) should be reduced.

The Class I, Class II and uniform prices are now reduced 13 cents for milk received at plants from 40.1 to 60 miles from Cleveland, 20 cents at plants in the 60.1 to 70 mile zone, and one cent for each 10 miles beyond 70. As proposed herein, the 40.1–60 mile zone would be retained but the 60.1–70 mile zone would be eliminated, thereby reducing the location adjustment six cents at plants beyond 60 miles of Cleveland.

Location differentials to plants should reflect the efficiencies resulting from technological changes in the marketing of milk in recent years. The rates proposed herein to both handlers and producers appropriately reflect the cost of efficiently moving milk in the Northeastern Ohio market under present economic conditions.

Technological improvements, such as better roads and larger tank trucks, have tended to reduce hauling costs. It was stated that the hauling rates on file with the State of Ohio show that milk may be hauled to Cleveland for less than the allowance under present provisions.

For example, the hauling rate on file for the pool plant at East Liberty, Ohio, is 22.5 cents per hundredweight for milk in 45,000 pound tank trucks. The order now provides a location allowance of 28 cents per hundredweight for milk received at this location. As proposed herein, the rate would be reduced to 22 cents, approximating the actual cost of shipment. The same situation prevails at other pool plant locations in the milkshed. The proponent cooperative operates a supply plant at Goshen, Indiana. A representative of this cooperative stated that milk is hauled in large tank trucks from its supply plant at Goshen into the Cleveland market for 30 cents per hundredweight, the exact rate that would result from this decision. The present location adjustment at Goshen, however, is 36 cents per hundredweight.

The proposed reduction in the location differential adjustment would tend to improve Class I price alignment with the Northwestern Ohio and Fort Wayne order markets, handlers in which markets compete with Northeastern Ohio handlers in both sales and procurement. For a Northeastern Ohio pool plant located at Toledo, Ohio, 1963 Class I prices averaged $4.26, while the comparable Northwestern Ohio order Class I price at this location was $4.35, a difference of nine cents. As proposed herein, the Northeastern Ohio Class I price would have been $4.32 or only three cents under the Northwestern Ohio Class I price. The Northeastern Ohio Class I price for a plant at Fort Wayne averaged $4.17 in 1963, while the Fort Wayne order price averaged $4.30, a difference of 13 cents. As proposed herein, the Northeastern Ohio Class I price at Fort Wayne would have been $4.23 and the difference narrowed to 7 cents.

Location differential credits are now applicable to milk used to produce cottage cheese and sour cream. As provided elsewhere in this decision, milk so used is classified and priced in the newly designated Class II classification. This price is determined by the prices paid for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota.

Allowing a location adjustment on milk used in cottage cheese and sour cream manufacture would result in returning to producers a price lower than the price for manufacturing grade milk. For example, milk utilized in cottage cheese or sour cream manufactured at a plant at which a 30-cent location differential credit was applicable would net the Northeastern Ohio order pool 30 cents below the Class II price. Such a provision, which would have the effect of pricing manufacturing grade milk in such residual uses as butter and nonfat milk solids at a higher price than milk used in cottage cheese or sour cream manufacture, is neither feasible nor economically justifiable. It is concluded, therefore, that no location differential should be provided on milk used in cottage cheese and sour cream manufacture.

8. *Seasonal incentive payments.* In conjunction with the proposal for a uniform Class I price differential, a "take out-pay back" plan was proposed under which specified amounts would be deducted from the uniform price in April through July for payment to producers in September through December. This plan received only limited support from handlers and was opposed by producers.

A seasonal incentive plan provides for the distribution among producers of the proceeds from the sale of their milk. Such a plan does not affect handlers' buying prices under the order. Hence, it would be inappropriate to institute revised distribution among producers of the returns from the sale of their milk. In view of this and of the decision to retain a seasonally variable Class I price, the proposal is denied.

9. *Miscellaneous and conforming changes.* (a) The provision for reload point should be retained.

A cooperative association proposed that the provision be deleted from the order on the basis that (1) there have not been any reload points established since the provision was adopted in 1959, and (2) the provision could enable a handler to include in the pool milk that otherwise has no association with the market.

The provision was adopted to accommodate the pricing of bulk tank milk. Its primary purpose is to establish a point of pricing of such milk and not its pool status. Therefore, the provision could not be used as a means of establishing

pool status for milk and there need be no concern in this regard. The fact that there have not been any reload points established under the order does not justify deleting it at this time. The conversion to bulk tank delivery is still underway in this market and it may well be that the provision will be needed in the future.

(b) The various amendments proposed herein require conforming changes in several sections of the order. The proposed diversion limitations require a redrafting of the "producer" and "producer milk" definitions. Numerous references to "Class III" are either deleted or changed to "Class II".

Rulings on proposed findings and conclusions and on motion. 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.

The ruling of the Presiding Officer to which specific objection was taken in one of the briefs filed under § 900.9(b) of the rules of practice has been reviewed. The objection was to the Presiding Officer's ruling to admit evidence on proposed changes in the supply-demand computation in the Class I pricing provisions. Since the proposal is denied, the motion is moot and does not require further consideration.

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.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northeastern Ohio marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 18, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

DETERMINATION OF UNIFORM PRICE

PAYMENTS

APPLICATION OF PROVISIONS

EFFECTIVE TIME, SUSPENSION OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1036 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1036.0 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

[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.

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) *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 Northeastern Ohio 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;

(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.

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on February 16, 1965, and published in the FEDERAL REGISTER on February 19, 1965 (30 F.R. 2279; F.R. Doc. 65-1786), shall be and are the terms and provisions of this order, and are set forth in full in the following complete amended order. The provisions affected by this decision are: §§ 1036.6, 1036.7, 1036.10, 1036.12, 1036.22, 1036.30–1036.32, 1036.40–1036.43, 1036.45, 1036.46, 1036.51–1036.55, 1036.70, 1036.75, 1036.80, 1036.82 and 1036.84.

DEFINITIONS

§ 1036.1 Act.

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

§ 1036.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1036.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1036.4 Person.

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

§ 1036.5 Northeastern Ohio marketing area.

"Northeastern Ohio marketing area", hereinafter referred to as the "marketing area", means all territory within the boundaries of Cuyahoga and Summit Counties; Stark County, except Paris and Sugar Creek Townships; the City of Ashtabula in Ashtabula County; Knox Township in Columbiana County; Willoughby, Mentor and Kirtland Townships and the City of Painesville in Lake County; Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia and Grafton Townships in Lorain County; Smith Township in Mahoning County, except Great Lot 35 thereof; Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, Montville, Sharon and Wadsworth Townships in Medina County; Franklin, Ravenna, Brimfield and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; and Sections 1, 2, 3, 10, 11 and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio; together with all piers, docks and wharves connected therewith and including all municipal corporations and all Federal or State installations, institutions or establishments therein.

§ 1036.6 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted for the account of such association from a pool plant to a pool plant or nonpool plant;

(d) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided,* That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator and the handler who is the operator of the pool plant where such milk is to be received are notified in writing by the cooperative association that it elects to be the handler for such milk: *And provided further,* That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(e) A producer-handler, or any person who operates an other order plant.

§ 1036.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of the appropriate health authority in the marketing area for consumption as fluid milk, which milk is received at a pool plant or diverted pursuant to § 1036.10 from a pool plant to a nonpool plant. "Producer" shall not include any such person with respect to milk for which such person retains his status as a producer as defined under another order issued pursuant to the Act and which milk is classified and priced under such other order.

§ 1036.8 Pool plant.

"Pool plant" means any milk plant specified in paragraph (a), (b), (c) or (d) of this section approved by the appropriate health authority in the marketing area, other than the plant of a producer-handler or a plant for which the handler is exempt pursuant to §§ 1036.90 and 1036.91.

(a) A plant at which milk is packaged and from which (1) fluid milk products classified as Class I milk are distributed on a route in the marketing area; and (2) total disposition of such fluid milk products on routes is 50 percent or more of total receipts during the month of milk approved for fluid use by a duly authorized health authority from dairy farmers, through reload points and from other plants, except that during each of the months of April through July the percentage requirements of this paragraph shall be 40 percent if such plant qualified during each of the preceding months of August through March.

(b) A plant from which there has been delivered to pool plant(s) described in paragraph (a) of this section, either during the current month or during any period of consecutive months ending with the current month, 30 percent or more of its total dairy farm supply of milk;

(c) A plant which was a pool plant during each month of the preceding period of August through January and during that period delivered to pool plant(s) described in paragraph (a) of this section 10 percent or more of its monthly total dairy farm supply of milk during each such month, and 30 percent or more of its total dairy farm supply during the entire August–January period, shall, unless written notice of withdrawal is received by the market administrator before the first day of the month, be a pool plant as follows:

(1) During the months of February through July regardless of shipments; and

(2) During each successive month of August through January in which it delivers 10 percent or more of its total dairy farm supply to pool plant(s) described in paragraph (a) of this section.

(d) A plant located less than 40 miles from the Public Square in Cleveland, Ohio, or less than 27.5 miles from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, operated by a cooperative association, or associations, if one-half or more of the milk (exclusive of that received at pool plants described in paragraphs (b) and (c) of this section) delivered during the immediately preceding six-month period by producers who are members of such association(s) including amounts transferred from the plant of the cooperative association, was received at the pool plants of other handlers;

(e) All pool plants described in paragraph (b) or (c) of this section, respectively, operated by a handler may be considered as one plant for the purpose of meeting the percentage requirement of such paragraphs if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(f) A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 1036.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products acceptable to an appropriate health authority for distribution in the marketing area are distributed in consumer-type packages or dispenser units on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk, or cream acceptable to an appropriate health authority for distribution in the marketing area is shipped to a pool plant.

§ 1036.10 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk which is:

(a) Received at a pool plant directly from a dairy farmer or from a handler pursuant to § 1036.6(d);

(b) Diverted from the farm of a producer to a nonpool plant in any month of April through July and in any other month in which at least 6 days' production of the producer is delivered to a pool plant, subject to the following:

(1) Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted; and

(2) Milk so diverted from the plant of another handler for the account of a cooperative association shall be priced at the location of the plant from which diverted; and

(c) Diverted from the farm of a producer to another pool plant for the account of the handler operating the pool plant from which diverted. Milk so diverted shall be deemed to have been received for the account of such handler at the location of the pool plant from which diverted if at least 6 days' production of the producer is delivered to such plant during the month.

§ 1036.11 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (a) receipts during the month of fluid milk products except (1) receipts from other pool plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1036.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed cans; and cream and mixtures of cream and milk or skim milk. "Fluid milk product" shall not include sterilized cream packaged in hermetically sealed containers which is disposed of in the same form as received, frozen or sour cream, aerated cream products, eggnog, ice cream and frozen dessert mixes or milk shake mix.

§ 1036.13 Producer-handler.

"Producer-handler" means a dairy farmer who operates a milk plant from which Class I products are distributed on route(s) in the marketing area and receives no fluid milk products during the month except milk of his own production or by transfer from pool plants.

§ 1036.14 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I milk to a wholesale or retail outlet other than a delivery to any milk plant.

§ 1036.15 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";

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

(c) To have all of its activities under the control of its members.

§ 1036.16 [Reserved]

§ 1036.17 [Reserved]

§ 1036.18 Reload point.

"Reload point" means a location which is both more than 40 miles from the Public Square in Cleveland, Ohio, and more than 27.5 miles from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, at which facilities approved by the appropriate health authority in the marketing area for transfer of milk from one tank truck to another and for washing of tank trucks are maintained, and at which milk moved from the farm in a tank truck is commingled with other such milk before entering a milk plant. All reloading operations on the premises of a pool plant shall be considered to be a part of such pool plant's operation. Otherwise the operations at a reload point shall be considered to be a part of the operation of the pool plant to which the major portion of the milk moved from farms to the reload point normally moves, except for the application of location adjustments pursuant to §§ 1036.55 and 1036.81.

MARKET ADMINISTRATOR

§ 1036.20 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.

§ 1036.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1036.22 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 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such 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 funds provided by § 1036.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1036.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 1036.30, or (2) payments pursuant to §§ 1036.80, 1036.84, 1036.86, 1036.87, or 1036.88;

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

(h) On or before the 20th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producer receipts of such handler;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

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

(1) The sixth 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

(2) The 14th day of each month the uniform price computed pursuant to § 1036.71 and the butterfat differential computed pursuant to § 1036.82; and

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

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1036.46(h) and the corresponding step of § 1036.47, the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to §§ 1036.46 and 1036.47 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1036.30 Reports of receipts and utilization.

On or before the eighth day after the end of the month each handler except a handler pursuant to § 1036.6(e) and a handler exempt pursuant to § 1036.91 shall report to the market administrator for such month in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in, or used in the production of:

(1) Milk received from producers (or qualified dairy farmers, in case of a nonpool plant) and from handlers pursuant to § 1036.6(d);

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

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

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement with respect to:

(1) Disposition of fluid milk products on routes in the marketing area; and

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

(c) Such other information as the market administrator may prescribe.

§ 1036.31 Other reports.

(a) On or before the eighth day after the end of the month, each handler pursuant to § 1036.6(d) shall report to the market administrator in detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat in producer milk delivered to each pool plant in the month.

(b) Each producer-handler and each handler exempt pursuant to §§ 1036.90 or 1036.91 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1036.32 Payroll reports.

On or before the 25th day after the end of each month, each handler who received milk from producers and/or handlers pursuant to § 1036.6(d) and each handler except a handler who elected at the time of reporting to make payments pursuant to § 1036.75(b) who operates a partially regulated distributing plant shall submit to the market administrator his producer payroll for the month (in the case of the handler operating the partially regulated distributing plant, his payroll for qualified dairy farmers), which shall show:

(a) The pounds of milk, and the percentage of butterfat contained therein, received from each producer;

(b) The amount and date of payment to each producer or cooperative association pursuant to § 1036.80; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this paragraph.

§ 1036.33 Records and facilities.

Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 1036.30 or § 1036.31;

(b) The pounds of skim milk and butterfat contained in or represented by each fluid milk product on hand at the beginning and at the end of each month;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 1036.34 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 calendar 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

§ 1036.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1036.30 shall be classified pursuant to §§ 1036.41 through 1036.48.

§ 1036.41 Classes of utilization.

Subject to the conditions set forth in §§ 1036.43 through 1036.46, the classes of utilization shall be as follows:

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

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (c)(2), (3) and (8) of this section, except that fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II;

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

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

(2) Disposed of in fluid milk products in bulk to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(4) In frozen cream;

(5) In inventory of fluid milk products on hand at the end of the month;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1036.42(a)(1) but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1036.6(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1036.6(d): *Provided,* That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of milk received in bulk tank lots from pool plants of other handlers;

(iv) Plus 1.5 percent of receipts of fluid milk products in bulk from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of such plants and the handlers;

(v) Plus 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants exclusive of the quantity for which Class II utilization is requested by the handler; and

(vi) Less 1.5 percent of milk disposed of in bulk tank lots to pool plants of other handlers;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1036.42(a)(2); and

(8) Contained in that portion of "fortified" fluid milk products not classified as Class I milk.

§ 1036.42 Shrinkage.

(a) If a handler has receipts of other source milk shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1036.41(b)(6); and (2) skim milk and butterfat in other sources milk in fluid form, exclusive of that specified in § 1036.41(b)(6).

(b) Producer milk diverted by a handler from his pool plant to an other plant (pool or nonpool) without first having been received for the purposes of weighing in the diverting handler's pool plant shall be excluded from receipts at the diverting handler's pool plant and shall be included in the receipts of the plant to which such milk was diverted for the purpose of computing shrinkage.

§ 1036.43 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to a pool plant of another handler subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1036.46(h) and the corresponding step of § 1036.47;

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1036.46(c) and the corresponding step of § 1036.47, the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1036.46 (g) or (h) and the corresponding steps of § 1036.47, the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

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

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 265 miles by the shortest highway distance as determined by the market administrator, from the Public Square in Cleveland, Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 265 miles, by the shortest highway distance as determined by the market administrator, from the Public Square in Cleveland, Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1036.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pur-

suant to the allocation provisions of the transferee order;

(4) If the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1036.41.

§ 1036.44 Responsibility of handlers and reclassification of milk.

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

§ 1036.45 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 monthly report of receipts and utilization submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1036.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class II the pounds of butterfat classified as Class II pursuant to § 1036.41(b)(6);

(b) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat in fluid milk products received in packaged form from other order plants as follows:

(1) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(2) From Class I milk, the remainder of such receipts;

(c) Subtract in the order specified below from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in each of the following:

(1) Other source milk in a form other than that of a fluid milk product;

(2) Receipts of fluid milk products for which appropriate health approval is not established, or which are from unidentified sources; and

(3) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(d) Subtract, in the order specified below from the pounds of butterfat remaining in Class II but not in excess of such quantity.

(1) Receipts of fluid milk products from an unregulated supply plant:

(i) For which the handler requests Class II utilization; or

(ii) Which are in excess of the pounds of butterfat determined by multiplying the pounds of butterfat remaining in Class I milk by 1.25 and subtracting the sum of the pounds of butterfat in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(2) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(e) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products on hand at the beginning of the month;

(f) Add to the remaining pounds of butterfat in Class II milk the pounds subtracted pursuant to paragraph (a) of this section;

(g) Subtract from the pounds of butterfat remaining in each class, pro rata to such quantities, the pounds of butterfat in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to paragraph (d)(1) of this section;

(h) Subtract from the pounds of butterfat remaining in each class, in the following order, the pounds of butterfat in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to paragraph (d)(2) of this section:

(1) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of butterfat announced for the month by the market administrator pursuant to § 1036.22(1) or the percentage that Class II utilization remaining is of the total remaining utilization of butterfat of the handler; and

(2) From Class I, the remaining pounds of such receipts;

(i) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1036.43(a); and

(j) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat in producer milk, subtract such excess from the pounds of butterfat remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

§ 1036.47 Allocation of skim milk.

Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 1036.46.

§ 1036.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 1036.46 and 1036.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

Minimum Prices

§ 1036.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1036.51 Class I milk prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant for milk received from producers or from a cooperative association, during the month which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price for the preceding month the following amount for the period indicated:

Delivery period:	*Amount*
April through July	$1.40
All others	1.80

and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total quantity of producer milk during the second and third months preceding by the gross quantity of milk utilized as Class I (adjusted to eliminate duplications due to interhandler transfers) at pool plants in the same two months, 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" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Month for which the price is being computed	*Standard utilization percentage*
January	130
February	129
March	129
April	130
May	131
June	132
July	141
August	149
September	142
October	128
November	126
December	128

(3) Determine the amount of the supply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 1036.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 1036.50, but in no event shall the Class II price exceed the price per hundredweight computed by adding together the plus amounts computed as follows, plus 10 cents:

(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(b) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1036.53 [Reserved]

§ 1036.54 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 1036.51 and 1036.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3 and divide the result by 10;

(b) *Class II milk.* Multiply by 1.15 and divide the result by 10.

§ 1036.55 Handler location adjustment.

For milk received from producers at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, and which, is moved in fluid form to another pool plant, is classified as Class I without movement in fluid form to another plant, or is otherwise classified as Class I, and for other source milk for which a location adjustment credit is applicable, the Class I price pursuant to § 1036.51 shall be reduced at the rate specified below for the location of such plant.

(a) For purposes of calculating this adjustment, transfers between pool plants shall be assigned as follows:

(1) With respect to fluid milk products moved in bulk form to a pool plant described in § 1036.8(a) in a volume not in excess of that by which an amount equal to 108 percent of Class I utilization at such transferee plant (including the volume assignable under the provisions of this subparagraph with respect to any transfers to a second such plant described in § 1036.8(a)) exceeds receipts of producer milk and that assigned as Class I to receipts from other Federal order plants and unregulated supply plants at such plant. Such volume shall be assigned in sequence as follows: (i) to receipts in the form of fluid milk from reload points considered to be a part of such plant's operations, and (ii) to other receipts of fluid milk products from pool plants, other order plants or reload points in the sequence at which the least total adjustments would apply; and

(2) With respect to fluid milk products moved in bulk to pool plants described in § 1036.8 (b), (c), or (d), in a volume not in excess of that by which 108 percent of the milk classified as Class I utilization without movement as a fluid milk product in bulk form to another pool plant plus that assignable to such plant pursuant to subparagraph (1) of this paragraph exceeds receipts of producer milk and the volume assigned as Class I receipts from other order plants and unregulated supply plants at such plant, such volume to be assignable to transferor plants in the sequence provided in subparagraph (1) of this paragraph.

(b) The rates of location adjustment credit, based on the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator, shall be 13 cents per hundredweight for 40.1–60 miles plus 1 cent per hundredweight for each 10 miles or fraction thereof in excess of 60 miles.

§ 1036.56 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

§ 1036.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1036.48, by the applicable class prices (adjusted pursuant to §§ 1036.54 and 1036.55);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1036.46(j) and the corresponding step of § 1036.47 by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1036.46(e) and the corresponding step of § 1036.47;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1036.46(c) and the corresponding step of § 1036.47;

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1036.46(g) and the corresponding step of § 1036.47.

§ 1036.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1036.70 for all handlers who filed the reports prescribed by § 1036.30 for the month and who made the payments pursuant to §§ 1036.80 and 1036.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1036.81;

(c) Add any amount paid into the producer-settlement fund and subtract any amount paid out of the producer-settlement fund pursuant to § 1036.88(a);

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1036.82 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1036.70(e); and

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1036.74 Notification.

On or before the 14th day after each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 1036.30 of:

(a) The classification pursuant to §§ 1036.46 and 1036.47 of skim milk and butterfat contained in producer milk received by such handler during the month and the value of such milk computed pursuant to § 1036.70;

(b) The uniform prices for the month computed pursuant to § 1036.71; and

(c) The amount due such handler pursuant to § 1036.85 and the amount to be paid by such handler pursuant to §§ 1036.84, 1036.86, and 1036.87.

§ 1036.75 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant, except as he is exempt pursuant to § 1036.91, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1036.30 and 1036.32 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1036.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1036.70(e) and a credit in the amount specified in § 1036.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1036.30 and 1036.32 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1036.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk, acceptable to an appropriate health authority, received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or the Class II price, whichever is greater.

PAYMENTS

§ 1036.80 Time and method of payment.

(a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price pursuant to § 1036.71 adjusted by the butterfat and location differentials pursuant to §§ 1036.81 and 1036.82, and less any proper deductions authorized by the producer, including advance payments made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1036.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association for producer milk on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the Association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(c) Upon written request filed with him on or before the 15th day of the month by a producer, or by a cooperative association which collects payments pursuant to paragraph (b) of this section, each handler shall make advance payment as follows:

(1) On or before the last day of the month, to each such producer who has not discontinued delivery of milk to such handler, an amount not less than the value of milk received from such producer during the first 15 days of such month computed at the Class II price for 3.5 percent milk for the preceding month, without deduction for hauling;

(2) On or before the 27th day of the month, to the cooperative association, with respect to milk received during the first 15 days of the month from certified

members specified in the request for advance payment, an amount not less than the aggregate value of such milk at the Class II price for 3.5 percent milk for the preceding month, without deduction for hauling; and

(d) On or before the 15th day after the end of each month, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 1036.55 and the butterfat differential provided by § 1036.54, by the hundredweight of milk in each class pursuant to §§ 1036.46 and 1036.47.

§ 1036.81 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to paragraphs (a) and (b) of § 1036.80 a handler may deduct with respect to all milk received from producers at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton, or the City Hall in Ashtabula, Ohio, by the shortest highway distance as determined by the market administrator, at the rates specified in § 1036.55 based on the mileage measured from the Public Square in Cleveland, Ohio.

(b) For purposes of computations pursuant to §§ 1036.84 and 1036.85 the uniform price shall be adjusted at the rates set forth in § 1036.55 applicable at the location of the nonpool plant from which the milk was received.

§ 1036.82 Butterfat differential.

In making payments pursuant to paragraphs (a) and (b) of § 1036.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 1036.54 weighted by the pounds of butterfat in producer milk in classes I and II, respectively, with the result rounded to the nearest tenth of a cent.

§ 1036.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", into which he shall deposit all payments made pursuant to § 1036.75 and § 1036.84 and out of which he shall make all payments pursuant to § 1036.85.

§ 1036.84 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1036.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1036.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1036.70(e).

§ 1036.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1036.84(b) exceeds the amount computed pursuant to § 1036.84(a) less any unpaid obligations of such handler to the market administrator pursuant to §§ 1036.84, 1036.86, 1036.87, or 1036.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1036.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1036.46(c) and § 1036.46 (g) and the corresponding steps of § 1036.47, and (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants, except one exempt pursuant to § 1036.91, that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1036.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 1036.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each month; and, on or before the 16th day after the end of such month, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 1036.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each month to the cooperative association rendering such services and of which such producers are members.

§ 1036.88 Adjustment of accounts.

(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1036.84, 1036.85, 1036.86, 1036.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1036.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives 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 months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed;

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1036.90 Milk subject to other Federal orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Northeastern Ohio marketing area shall be exempted for such month from all provisions of this part except §§ 1036.31, 1036.32, 1036.33 and 1036.34 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

§ 1036.91 Handler exemption.

A handler who operates a plant described in §§ 1036.8(a) or 1036.9 located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area shall be exempted for such month from all provisions of this part except §§ 1036.31, 1036.32, 1036.33 and 1036.34.

§ 1036.92 Producer-handler.

A producer-handler shall be exempt from all provisions of this subpart except §§ 1036.31, 1036.33 and 1036.34.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1036.100 Effective time.

The provisions of this part or of 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.

§ 1036.101 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provisions of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision of this part.

§ 1036.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1036.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other 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 assignments 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 liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1036.110 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.

§ 1036.111 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.

[F.R. Doc. 65-2944; Filed, Mar. 22, 1965; 8:47 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A4]

MILK IN RIO GRANDE VALLEY MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, 12901 Central Avenue NE., Albuquerque, N. Mex., beginning at 10 a.m., local time, on March 31, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Rio Grande Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

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

Proposed by Dairy Farmers Association:

Proposal No. 1. Amend § 1138.7(b)(4) to read as follows:

(4) For purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the following location:

(i) At the location of the nonpool plant to which diverted, if such plant is 200 miles or more nearer to the county seat of the county in which is located the farm on which the milk was produced than is the plant from which the milk was diverted; or

(ii) At the location of the pool plant from which diverted if the conditions specified in subdivision (i) do not apply.

Proposal No. 2. Amend § 1138.9 by adding paragraph (c) to read as follows:

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for all such milk.

Proposal No. 3. A. Amend the introductory text of § 1138.51(a) by deleting "During the period from the effective date of this order until July 1, 1965,".

B. Amend § 1138.51(a) by adding in the second sentence "Lubbock-Plainview (Part 1120 of this chapter), Central Arizona (Part 1131 of this chapter) and Texas Panhandle (Part 1132 of this chapter)".

Proposal No. 4. Review the provisions of § 1138.52 (a) and (b) and § 1138.81 for the purpose of establishing effective prices at each location in the interests of efficient procurement and equity among producers.

Proposal No. 5. Review the method for establishing butterfat differentials to producers pursuant to § 1138.82.

Proposed by Farmers Dairies:

Proposal No. 6. A. Amend § 1138.41 (b) (4) to read as follows:

(4) In inventory variations of fluid products;

B. In § 1138.46, delete paragraph (5) and renumber paragraphs in sequence.

C. In § 1138.70, delete paragraph (c), and change paragraphs (d) and (e) to (c) and (d), respectively.

Proposed by Foremost Dairies, Inc.:

Proposal No. 7. Amend the Class I price provision by eliminating all minus adjustments in areas to the east and south of Albuquerque and by increasing the price at El Paso, Tex., to plus 32 cents over Albuquerque.

Proposed by Beatrice Foods Co.:

Proposal No. 8. Amend § 1138.51(a) to provide $2.25 over the basic formula price for the preceding month on a level year-round basis.

Proposal No. 9. A. In § 1138.71, "Computation of uniform price", renumber paragraphs (c) through (g) as (e) through (i) and add new paragraphs (c) and (d) to read as follows:

(c) Subtract for each of the months of March through June an amount computed by multiplying the total hundredweight of producer milk for each such month by 20 cents;

(d) Add for each of the months of September through December 25 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1138.73(c) on July 31, immediately preceding.

B. Amend § 1138.83, "Producer-settlement fund", to provide a provision to establish an "obligated balance" for deposit of all funds subtracted pursuant to § 1138.71(c), such funds to be withdrawn only for payments to be made pursuant to § 1138.71(d).

Proposed by New Mexico Milk Producers Association:

Proposal No. 10. A. Add a § 1138.16 to read as follows:

(a) *Base.* "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 1138.63.

(b) *Base milk.* "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, and June which is not in excess of such producer's base multiplied by the number of days such milk was produced.

(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of April, May, and June which is in excess of the base milk received from such producer.

B. Add § 1138.63 to read as follows:

§ 1138.63 Computation of base, and base rules.

(a) Subject to the conditions set forth in paragraph (b) of this section, the market administrator shall compute for each of the months of April, May, and June, a base for each producer, as follows:

(1) Divide the total pounds of milk received by a handler(s) from each producer during the months of September, October, and November immediately preceding by the number of days such milk was produced (not to be less than 60 days): *Provided*, That any producer for whom a base has been computed may upon written notice to the market administrator postmarked not later than January 15 preceding the months in which the base applies, relinquish his base and be allotted a base computed pursuant to subparagraph (2) of this paragraph.

(2) Any producer who has not earned a base by deliveries during the previous September, October, and November, and any producer who elects to relinquish his base pursuant to subparagraph (1) of this paragraph, shall be allotted a base for each of the delivery periods of April, May, and June equal to the following percentages of his average daily deliveries:

Month:	Percentage
April	55
May	50
June	50

(b) Any base computed pursuant to paragraph (a)(1) of this section shall be subject to the following rules:

(1) In the event of a producer's death his base may be transferred upon written notice to the market administrator from any member of the producer's immediate family.

(2) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during April, May, and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period.

(3) On or before March 1 each year, the market administrator shall notify producers of their bases, and shall notify each handler of the base of each of the producers delivering to the handler's plant.

C. Amend § 1138.70 and § 1138.71 so as to accommodate a "base-surplus" plan.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 227 San Pedro, NE., or Post Office Box 8636, Albuquerque, N. Mex., 87108, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on March 18, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-2965; Filed, Mar. 22, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6526]

AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 707 and 720 Series Aircraft. The Agency has received reports that fatigue cracks have occurred in certain areas of the fuselage frame on these aircraft. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require repetitive inspections of the frames and reworking if cracks are found. It also provides for discontinuing the inspections after reworking.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 21, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following airworthiness directive:

BOEING: Applies to Boeing Model 707 and 720 Series Aircraft that are listed in Boeing Service Bulletin No. 2014(R-2).

Compliance required as indicated.

(a) For Model 720 Series Aircraft with 4500 or more hours' time in service on the effective date of this AD, unless already accomplished within the last 600 hours' time in service,

inspect as required by paragraph (c) within the next 600 hours' time in service, and thereafter reinspect at intervals not to exceed 1200 hours' time in service from the last inspection.

(b) For Model 720 Series Aircraft with less than 4500 hours' time in service on the effective date of this AD, inspect as required by paragraph (c) prior to 5100 hours' time in service, and thereafter reinspect at intervals not to exceed 1200 hours' time in service from the last inspection.

(c) Inspect visually for cracks in the left-hand and right-hand frames at Body Stations 760, 780, and 800 in the vicinity of waterline 208.1 (top of floor beam). If cracks are found, rework the frames in accordance with either paragraph 3 of Boeing Service Bulletin No. 2014(R-2) or Boeing Structural Repair Manual D6-1891 paragraph 53-3-5, page 1, or in accordance with a method approved by the Aircraft Engineering Division, FAA Western Region. The repetitive inspections required by paragraphs (a) and (b) of this AD may be discontinued when cracked frames have been reworked as required by this paragraph, or when uncracked frames have been reworked either in accordance with Boeing Drawing 65-42173, or a method approved by the Aircraft Engineering Division, FAA Western Region.

(d) For Model 707 Series Aircraft with 10,000 or more hours' time in service on the effective date of this AD, unless already accomplished within the last 600 hours' time in service, inspect as required by paragraph (f) within the next 600 hours' time in service, and thereafter reinspect at intervals not to exceed 1,200 hours' time in service from the last inspection.

(e) For Model 707 Series Aircraft with less than 10,000 hours' time in service on the effective date of this AD, inspect as required in paragraph (f) prior to 10,000 hours' time in service, and thereafter reinspect at intervals not to exceed 1,200 hours' time in service from the last inspection.

(f) Inspect visually for cracks in the left-hand and right-hand frames at Body Station 800 in the vicinity of waterline 208.1 (top of floor beam). If cracks are found, rework the frames in accordance with either paragraph 3 of Boeing Service Bulletin No. 2014 (R-2); or Boeing Structural Repair Manual D6-1649, paragraph 53-3-5, page 1, for each 707-100/200 series aircraft, and for each 707-300/400 series aircraft in accordance with Boeing Service Repair Manual D6-2962; or in accordance with a method approved by the Aircraft Engineering Division, FAA Western Region. The repetitive inspections required by paragraphs (d) and (e) may be discontinued when cracked frames have been reworked as required by this paragraph, or when uncracked frames have been reworked either in accordance with Boeing Drawing 65-42173, or a method approved by the Aircraft Engineering Division, FAA Western Region.

(g) Upon request of an operator, an FAA maintenance inspector, with prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals required by this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Boeing Service Bulletin No. 2014(R-2) covers this subject.)

Issued in Washington, D.C., on March 16, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-2918; Filed, Mar. 22, 1965; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 6528]

AIRWORTHINESS DIRECTIVES

Fairchild F-27 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive for Fairchild F-27 aircraft. There have been instances in which the Flap Asymmetry System on such aircraft failed to properly detect an asymmetrical condition. Since this unsafe condition is likely to exist or develop in other products of the same type design, an airworthiness directive is proposed to require the modification of such Flap Asymmetry System.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 22, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 (14 CFR Part 39), by adding the following airworthiness directive:

FAIRCHILD. Applies to Model F-27 aircraft Serial Nos. 1 to 39 inclusive, 41 to 45 inclusive, and 47.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

(a) Remove old asymmetric switches P/N 472-001-1 and -2 located on each outboard flap gear box at wing station 394.

(b) Accomplish the following modifications in accordance with paragraph 2, "Accomplishment Instructions" of Fairchild Service Bulletin No. 27-26 dated September 9, 1960, or equivalent approved by the FAA Eastern Region, Engineering and Manufacturing Division:

(1) Rework the outboard flap and asymmetric switches P/N 658-001 with the teleflex units.

(2) Install asymmetric override toggle switch at the cockpit pedestal and rewire aircraft for the new asymmetric switches and the override switch.

(Fairchild Service Bulletin No. 27-26 dated Sept. 9, 1960, covers this subject.)

Issued in Washington, D.C., on March 16, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-2919; Filed, Mar. 22, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-2]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Revocation, and Designation

The Federal Aviation Agency is considering amending §§ 71.165, 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Hopkinsville, Ky., Control Zone (29 F.R. 17605), the Hopkinsville, Ky., Transition Area (29 F.R. 17670), revoke the Hopkinsville, Ky., Control Area Extension (29 F.R. 17565) and designate a 700-foot Hopkinsville, Ky. (Hopkinsville-Christian County), Transition Area.

The controlled airspace presently in the Hopkinsville terminal area is composed of the Hopkinsville, Ky., Control Area Extension, Transition Area and Control Zone, the latter being described as being within a 5-mile radius of Campbell Army Airfield and within 2 miles either side of the Campbell VOR 044°–224° radial extending from the 5-mile radius zone to 10 miles NE of the VOR.

The proposed alteration to the control zone would delete approximately 10 miles of the NE extension, but widen the width of the extension by about 1 mile from the 5-mile radius area NE for about 3 miles, this latter addition providing protection to aircraft executing all TACAN instrument approach procedures. The Hopkinsville, Ky., Control Area Extension would be revoked and replaced by a smaller 700-foot Hopkinsville, Ky., Transition Area over Campbell Army Airfield and another over Hopkinsville-Christian County Airport. These transition areas would provide protection for aircraft executing prescribed holding, arrival, departure and radar vectoring procedures in the Hopkinsville terminal area. A Clarksville, Tenn., VOR will be commissioned in April 1965 as an aid to such procedures.

Specific details of the changes to procedures and minimum flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for

consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of the airspace requirements for the terminal area of Hopkinsville, Ky., attendant to the implementation of the provisions of Civil Air Regulation amendments 60–21 and 60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Hopkinsville, Ky., Control Area Extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hopkinsville, Ky., Control Zone and insert in lieu thereof:

Within a 5-mile radius of the center, 36°40'11" N., 87°29'13" W. of Campbell Army Airfield, excluding the area within a 1.5-mile radius of the center of Outlaw Field, Clarksville, Tenn.; within 2 miles each side of the Campbell VOR 225° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the Campbell TACAN 049° radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the Hopkinsville, Ky., Transition Area and insert in lieu thereof a 700-, 1,200-, and 2,500-foot Hopkinsville, Ky. (Campbell AAF), Transition Area described as follows:

HOPKINSVILLE, KY. (CAMPBELL AAF)

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 36°40'11" N., 87°29'13" W. of Campbell Army Airfield; within 5 miles southeast and 8 miles northwest of the Campbell RBN 044° bearing extending from the 14-mile radius area to 12 miles northeast of the RBN; within 5 miles northwest and 8 miles southeast of the Clarksville, Tenn., VOR 064° radial extending from the 14-mile radius area to 12 miles northeast of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded on the east by V7, on the southeast by V57, on the south by V16N and V140, and by a line commencing at the north edge of V140 at 87°55'15" W. to 36°28'00" N., 88°19'50" W. to 36°34'45" N., 88°03'00" W. to 36°44'45" N., 88°09'55" W. to 36°53'20" N., 88°07'05" W. to 37°12'50" N., 87°39'30" W. to 37°17'50" N., 87°18'00" W.

That airspace extending upward from 2,500 feet MSL within 5 miles each side of the Paducah, Ky., VOR 109° radial bounded on the east by the aforementioned 1,200-foot transition area and on the west by a line between 36°54'00" N., 88°42'15" W. and 37°-01'30" N., 88°35'00" W.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot Hopkinsville, Ky. (Hopkinsville-Christian County), Transition Area described as follows:

HOPKINSVILLE, KY. (HOPKINSVILLE-CHRISTIAN COUNTY)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°51'21" N., 87°27'39" W. of Hopkinsville-Christian County Airport, Hopkinsville, Ky., excluding that portion within the Hopkinsville, Ky. (Campbell AAF), Transition Area. This transition area is effective from sunrise to sunset, daily.

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 Jamaica, N.Y., on March 9, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-2920; Filed, Mar. 22, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-77]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Concord, N.H. (29 F.R. 17592), and Manchester, N.H. (29 F.R. 17613), Control Zones; alter the Laconia, N.H., Transition Area; designate a 700-foot floor transition area over Boire Field, Nashua, N.H., Concord Municipal Airport, Concord, N.H., and Grenier Field, Manchester, N.H. A 1,200-foot floor Concord, N.H., Transition Area would also be designated.

The controlled airspace in the subject terminals is presently composed of a portion of the Boston, Mass., Control Area Extension (29 F.R. 17559), the Concord and Manchester, N.H., Control Zones and Laconia, N.H., Transition Area.

The proposed alteration of the Concord Control Zone would reduce the W and SE extension by about 3 miles but add a NW extension of approximately 2 miles for protection of aircraft climbing to 700 feet above ground level. The Concord Control Zone will also provide protection for a planned procedure based on the Concord RBN. The RBN is expected to be commissioned approximately July 1, 1965. The proposed alteration of the Manchester Control Zone would reduce the two SE extensions by approximately 4 miles but add approximately a 2-mile NW extension to provide protection for the VOR/DME instrument approach procedure. The proposed 700-foot Concord, N.H., Transition Area would be a composite of airspace necessary to provide protection for aircraft executing prescribed holding, arrival and departure procedures in the terminal areas of Boire Field, Concord Municipal Airport and Grenier Field together with the proposed 1,200-foot Concord Transition Area. The proposed alteration to the Laconia Transition Area would reduce the area of controlled airspace.

The floors of airways which traverse the transition areas proposed herein would coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected. Specific details of the changes to procedures and minimum flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of the airspace requirements for the terminal areas of Laconia, Concord, Manchester, and Nashua, N.H., attendant to the implementation of the provisions of Civil Air Regulation amendments 60–21 and 60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the Concord, N.H., Control Zone and insert in lieu thereof:

CONCORD, N.H.

Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W. of Concord Municipal Airport, Concord, N.H.; within 2 miles each side of the Concord VOR 285° radial extending from the 5-mile radius zone to 7 miles W of the VOR; within 2 miles each side of the 136° bearing from the Concord RBN extending from the 5-mile radius zone to 7 miles SE of the radio beacon; within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles N of the end of the runway.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the Manchester, N.H., Control Zone and insert in lieu thereof:

MANCHESTER, N.H.

Within a 5-mile radius of the center, 42°55'55" N., 71°26'20" W. of Grenier Field, Manchester, N.H.; within 2 miles each side of the 157° bearing from the Manchester RBN extending from the 5-mile radius zone to 6 miles S of the RBN; within 2 miles each side of the Manchester VOR 142° and 322° radials extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Manchester VOR 327° radial extending from the 5-mile radius zone

to 13 miles NW of the VOR effective from 0600 to 2300 hours, local time, daily.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot transition area described as follows:

CONCORD, N.H.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W. to 42°49'00" N., 71°11'00" W. to 42°43'00" N., 71°23'00" W. to 42°43'00" N., 71°36'00" W. to 42°54'00" N., 71°45'00" W. to 42°57'00" N., 71°40'00" W. to 43°17'00" N., 71°46'00" W. to point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Laconia, N.H., Transition Area and insert in lieu thereof:

LACONIA, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°34'24" N., 71°25'30" W. of Laconia Airport, Laconia, N.H.; within 2 miles each side of the 247° bearing from the Laconia RBN extending from the 5-mile radius area to 8 miles SW of the RBN.

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 Jamaica, N.Y., on March 9, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-2921; Filed, Mar. 22, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-6]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a segment of VOR Federal airway No. 171 from Bemidji, Minn., via the intersection of the Bemidji 027° and Baudette, Minn., 178° True radials, to Baudette.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed airway segment would connect Baudette, an airport of entry to the United States, with the Federal airway structure. Those portions of the segment below 1,200 feet above the surface, within R-4304, and outside the United States would be excluded.

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

Issued in Washington, D.C., on March 16, 1965.

D. E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2922; Filed, Mar. 22, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-75]

TRANSITION AREAS

Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations which would designate a part-time 700-foot floor transition area over Aeroflex-Andover Airport, Andover, N.J., and a 1,200-foot floor Andover, N.J., transition area.

The controlled airspace in the Andover, N.J., terminal area is presently composed of a portion of the New York, N.Y., Control Area Extension (29 F.R. 17572).

The proposed transition areas would protect aircraft executing prescribed instrument holding and radar vectoring procedures and protect aircraft executing prescribed instrument approach procedures down to 700 feet above ground level and those executing departure procedures from 700 feet above ground level.

The floors of airways which traverse the transition areas proposed herein would coincide with the floors of the transition areas.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangement for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of the airspace requirements for the terminal area of Andover, N.J., attendant to the implementation of the provisions of Civil Air Regulation amendments 60-21 and 60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Andover, N.J., Transition Area described as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°00'00" N., 74°44'00" W. of Aeroflex-Andover Airport, Andover, N.J., and within 5 miles north and 8 miles south of the Stillwater, N.J., VOR 263° radial extending from the VOR to 12 miles west of the VOR effective from sunrise to sunset daily.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

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 Jamaica, N.Y., on March 8, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-2923; Filed, Mar. 22, 1965; 8:45 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 65-CE-18]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 75 of the Federal Aviation Regulations which would realign Jet Route No. 18 from Salina, Kans., direct to Kirksville, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket

also will be available for examination at the office of the Regional Air Traffic Division Chief.

Jet Route No. 18 presently is aligned in part from Salina to Kirksville via Kansas City, Mo. The proposed alignment bypassing Kansas City would result in more efficient air traffic control service to terminal and en route jet traffic in the Kansas City area because of the reduction in the number of aircraft operating over the Kansas City VORTAC. In addition, it would result in a reduction of 5 miles en route between Salina and Kirksville.

The proposed alignment would penetrate Restricted Area R-3602 which extends upward to 29,000 feet MSL. However, the restricted area would not interfere with traffic at altitudes above FL 290, and the use of the restricted area at altitudes above 20,000 feet MSL has been minimal. Therefore, the restricted area is not expected to have an adverse effect upon the use of this proposed route. A joint-use agreement has been concluded for the sharing of this restricted airspace, however, R-3602 has not been included in the continental control area. Inclusion of R-3602 in § 71.151 would be accomplished in the final rule.

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

Issued in Washington, D.C., on March 16, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2924; Filed, Mar. 22, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 065561]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 15, 1965.

The Bureau of Indian Affairs has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land as an addition to the Summit Lake Indian Reservation.

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, Post Office Box 1551, Reno, Nev.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEV.

T. 41 N., R. 26 E.,
Sec. 7, Lots 1, 2, 3, 4, S½NE¼, NW¼NE¼;
Sec. 8, N½.

The area described contains 608.38 acres.

DONALD I. BAILEY,
Acting Manager.

[F.R. Doc. 65-2929; Filed, Mar. 22, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during March 1965 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and linseed oil.

Changes from the February list in the commodities available include offering shelled Virginia type peanuts for export sale and the withdrawal of dry beans and soybeans.

Export Commodity Certificates (Form CCC-341) which are issued under the payment-in-kind export programs, under certain CCC credit sales and for the purchase of certain wheat products, are redeemable in CCC-owned wheat, cotton (upland and extra long staple), dairy products, flaxseed, rice and tobacco under price-support loan, all for export only. Program revisions now underway will shortly permit redemption of the certificates in CCC-owned feed grains and peanuts. Payment-in-kind provisions are now being used for export payments on wheat, rice, and dairy products and are in effect for feed grains, flaxseed, and linseed oil if payments are needed. In addition, wheat flour, bulgur, and rolled wheat acquired by CCC for donation programs are being purchased with these certificates. Exporters who ship from private stocks with financing under the CCC Export Credit Sales Program will receive these certificates in an amount equal to the port value of the commodity.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for March 1965 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, cornmeal, barley, oats, rye, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Barley, cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of

the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

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

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

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

SALES PRICE OR METHOD OF SALE

ITEM I—BARLEY, BULK

Unrestricted use:

A. *Redemption of domestic payment-in-kind certificates:* Such CCC dispositions of barley as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the barley, plus the amount shown in C of this section of this item, applicable to the type of carrier involved.

B. *General sales:*

1. *Storable:* Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price-support loan rate plus 12 cents per bushel) for the class, grade, and quality of the barley, plus the amount shown in C of this section of this item, applicable to the type of carrier involved. Examples of these formula minimum prices are shown in C below. If delivery is outside the area of production, applicable freight will be added. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates.

2. *Nonstorable:* At not less than market price as determined by CCC.

See footnotes at end of document.

C. *Markups and Agricultural Act of 1949 formula price examples (per bushel):*

Markup in cents received by		Examples of in-store 1 formula minimum prices for No. 2 or better barley barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 17	*Cents* 12	Minneapolis, Minn. Kansas City, Mo.	$1.32 1.32

See footnotes at end of document.

D. *Availability information:* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at the end of this sales list.

Export:

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section of this item. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (revised August 31, 1959), as amended, for feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC barter and credit sales.

C. *Available:* Evanston and Kansas City ASCS offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

ITEM II—CORN, BULK

Unrestricted use:

A. *Redemption of domestic payment-in-kind certificates:* Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such corn as determined by CCC and, (c) the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the corn plus the amount shown in C of this section of this item, applicable for the storage point involved.

B. *General sales:*

1. *Storable:* Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price-support rate (published price-support loan rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C of this section of this item, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production, the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.

2. *Nonstorable:* Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per bushel):*

Markup in cents in store at		Example of in-store [1] formula minimum prices No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
Cents 7½	Cents 9	Minneapolis, Minn.[3] Chicago, Ill.[4]	$1.42¼ 1.61

See footnotes at end of document.

D. *Availability information:* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices listed at the end of this sales list.

Export:

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use Section of this item.

Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (revised August 21, 1959), as amended, for feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC barter and credit sales except that limited West Coast terminal stocks are available for export sale. (Barter, credit and other designated sales).

C. *Available:* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

ITEM III—COTTON, UPLAND

Unrestricted use:

A. Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs wil be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

Export:

A. *CCC cash sales for export:* Competitive bid under the terms and conditions of Announcement CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years), as amended.

B. *CCC credit sales and barter:* Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years), as amended.

ITEM IV—COTTON, EXTRA LONG STAPLE

Unrestricted use:

Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export:

A. *CCC cash sales for export:* Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcement CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter:* Competitive bid under the terms and conditions of Announcement CN-EX-26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

Availability information: Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from the office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.

ITEM V—BUTTER

Unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound.

Export:

A. Payment-in-kind under SM-8 as amended.

B. Competitive bid under Announcement MP-10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office.

ITEM VI—CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound.

Export: Competitive bid under Announcement MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP-10:

Any cheese offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Tuesday.

ITEM VII—NONFAT DRY MILK

Unrestricted use: Announced prices, under LD-29, as amended:

Spray process, U.S. Extra Grade, 16.40 cents per pound.

Export:

A. Payment-in-kind under SM-8, as as amended.

B. Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.

ITEM VIII—FLAXSEED, BULK

Unrestricted use:

A. *Storable:* Market price basis in store,[1] but not less than the applicable 1964 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

B.

Markup per bushel received by		Examples of minimum prices (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 20	Cents 12	Minneapolis	No. 1.	$3.39½

C. *Nonstorable* (as available). At not less than market price as determined by CCC.

D. *Available:* Through the Minneapolis Grain Merchandising ASCS office.

Export:

Under Announcement PS-GR-4 dispositions of flaxseed, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available: Through the Minneapolis Grain Merchandising ASCS office.

ITEM IX—LINSEED OIL, RAW, BULK

Export:

Under Announcement PS-GR-4 dispositions of raw linseed oil, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available: Through the Minneapolis ASCS Commodity office.

ITEM X—GRAIN SORGHUM BULK

Unrestricted use:

A. *Redemption of domestic payment-in-kind certificates:* Such CCC dispositions of grain sorghum, as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this section of this item, applicable to the type of carrier involved.

B. *General sales:*

1. *Storable:* Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price-support loan rate plus 23 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this section of this item applicable to the type of carrier involved. If delivery is outside the area of

See footnotes at end of document.

production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.

2. *Nonstorable:* Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per hundredweight):*

Markup in cents received by—		Examples of in-store [1] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 31	*Cents* 29	Kansas City, Mo.	$2.68

D. *Availability information:* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain office listed at the end of this sales list.

Export: Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section of this item. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (revised August 31, 1959), as amended, for feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), (for application to arrangements for barter, approved CCC credit and other designated sales).

C. *Available:* Evanston, Kansas City, Minneapolis, and Portland ASCS grain office.

ITEM XI—OATS, BULK

Unrestricted use:

A. *Storable:* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1964 price support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point other than the point of production, the freight from point of production to the present point of storage will also be added.

B.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store [1]		
Production point	Other points	Terminal	Grade and class	Price
Cents 12	*Cents* 13½	Chicago, Ill. [4]	No. 2 XHWO	$0.95
		Minneapolis, Minn. [4]		.84¾

See footnotes at end of document.

C. *Nonstorable* (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at the end of this sales list.

D. *Availability Information:* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export:

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section of this item. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I or Title IV, Public Law 480 purchase authorizations or for barter:

A. Announcement GR-368 (revised August 31, 1959), as amended, for feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available:* Evanston, Kansas City, Minneapolis, and Portland ASCS grain office.

ITEM XII—PEANUTS SHELLED OR UNSHELLED (FARMERS STOCK AS AVAILABLE)

Domestic for crushing or export:

Competitive bids under CCC Peanut Announcement 1 (revised January 4, 1962) as amended and supplemented March 3, 1964.

SHELLED VIRGINIA TYPE

Unrestricted use:

U.S. Extra Large and U.S. Medium—1962 crop. Competitive bids pursuant to CCC Peanut Announcement 3 Revised, at the higher of the market or minimum prices determined by CCC which reflects not less than 105 percent of the support price plus reasonable carrying charges.

Export:

U.S. Extra Large and U.S. Medium—1962 crop. Competitive bids pursuant to CCC Peanut Announcement 1 (revised January 4, 1962) as amended and supplemented March 3, 1964, and terms of weekly lot list and Appendix 1, issued by the Peanut Growers' Cooperative Marketing Association, Franklin, Va.

ITEM XIII—RICE, ROUGH

Unrestricted use:

Market price but not less than 1964 loan rate plus 5 percent plus 35 cents per hundredweight, basis in store.

Export:

As milled or brown under Announcement GR-369, Revision III, Rice Export Program—Payment-in-kind, and under GR-379, Revision I, for approved credit sales.

Availability information. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

ITEM XIV—RYE, BULK

Unrestricted use:

A. *Storable:* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1964 price-support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

B.

Per bushel markup received by		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 18	*Cents* 12	Minneapolis, Minn.	No. 2 or better (or No. 3 on TW only).	$1.48

C. *Nonstorable* (as available). At not less than market price as determined by CCC through the ASCS grain offices listed at the end of this sales list.

D. *Availability information:* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export:

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section of this item. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (revised August 31, 1959), as amended, for feed grain export payment-in-kind program.

B. Announcement GR-212 (revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available:* Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS Grain Office for rye stored in terminals in Minneapolis.

ITEM XV—WHEAT, BULK

Unrestricted use:

A. *Storable:* The minimum price for such wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price-support loan rate for the class, grade, and quality [3] of the wheat plus the amount shown in C of this section of this item applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.

B. *Nonstorable:* Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

C. *Markups and formula minimum price examples:*

Per bushel markup received by		Examples of per bushel formula minimum price basis in-store [1] exrail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 18	*Cents* 12	Chicago	No. 1 RW	$1.77
		Kansas City	No. 1 HW	1.73
		Portland	No. 1 SW	1.67

D. *Availability information:* Storable Northern Spring Wheat sales for unrestricted use have been suspended until further notice. For information on CCC wheat sales from bin sites, contact ASCS State or county

offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at the end of this sales list.

Export:

Sales will be made pursuant to the following announcements:

A. Announcement GR-345 (revised August 25, 1964) as amended for export under the wheat export payment-in-kind program except that (a) durum wheat will not be eligible for Public Law 480, Title I sales, and (b) hard winter wheat exports through West Coast ports will not be eligible for Title I, Public Law 480 sales, except hard winter wheat of not more than 12 percent protein for sale to Taiwan and South Korea.

B. Announcement GR-261 (revision 2, January 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (revision 2, January 9, 1961, as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR-261 or GR-262, except hard winter wheat of not more than 12 percent protein for sale to Taiwan and South Korea.

C. *Available:* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through West Coast ports.)

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226-3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121. Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

FOOTNOTES:

[1] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight.

[3] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[4] Woodford County, Ill., origin.

[5] Redwood County, Minn., origin.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on March 18, 1965.

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

[F.R. Doc. 65-2962; Filed, Mar. 22, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 14, set forth below, to Facility License No. R-2. The license authorizes the Pennsylvania State University (the licensee), to operate its pool-type nuclear reactor located on the University's campus at University Park, Pa. The amendment, in accordance with the application dated February 15, 1965, authorizes the licensee to install and operate a pneumatic transfer system for use in conjunction with the irradiation of encapsulated samples on the face of the reactor core.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated February 15, 1965, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of March 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-2, Amdt. 16]

AMENDMENT TO FACILITY LICENSE

1. License No. R-2, as amended, which authorizes the Pennsylvania State University to possess and operate the pool-type nuclear reactor located on the University's campus at University Park, Pa., is hereby further amended as follows:

A. The Pennsylvania State University is authorized to install and operate a pneumatic transfer system as proposed in the application for license amendment dated February 15, 1965.

2. This amendment is effective as of the date of issuance.

Date of issuance: March 16, 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-2912; Filed, Mar. 22, 1965; 8:45 a.m.]

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 14, set forth below, to Facility License No. R-67. The license, as amended, authorizes General Dynamics Corp., to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes an increase from $3 to $4 of the reactivity insertion limit for routine pulsing operations under License No. R-67, as amended, as described in the licensee's application for license amendment dated November 30, 1964, and supplemental letter dated February 9, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated November 30, 1964, and supplemental letter dated February 9, 1965, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of March 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-67, Amdt. 14]

AMENDMENT TO FACILITY LICENSE

License No. R-67, as amended, issued to General Dynamics Corp., is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corp. is authorized: to operate the reactor with an increase to $4 from $3 of the reactivity insertion limit for routine pulsing operations, as described in the application for license amendment dated November 30, 1964, and supplemental letter dated February 9, 1965.

This amendment is effective as of the date of issuance.

Date of issuance: March 16, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-2952; Filed, Mar. 22, 1965; 8:47 a.m.]

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 15, set forth below, to Facility License No. R-67, as amended. The license, as amended, authorizes General Dynamics Corp., to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes General Dynamics Corp., to operate the reactor with up to four special fuel elements as described in the licensee's application amendment dated February 9, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in the Title 10, Chapter 1, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 9, 1965, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of March 1965.

For the Atomic Energy Commission.

R. E. IRELAND,
Acting Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-67, Amdt. 15]

AMENDMENT TO FACILITY LICENSE

License No. R-67, as amended, issued to General Dynamics Corp. is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corp. is authorized:

To operate the reactor in a pulsing mode subject to the previously authorized limitations except that up to four special fuel elements may be inserted and tested, as described in the application for license amendment dated February 9, 1965.

This amendment is effective as of the date of issuance.

Date of issuance: March 16, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-2953; Filed, Mar. 22, 1965; 8:47 a.m.]

[Docket No. 50-1]

IIT RESEARCH INSTITUTE

Notice of Extension of Expiration Date

Please take notice that the Atomic Energy Commission has issued an Order extending to March 28, 1975, the expiration date specified in License No. R-3, as amended, concerning the homogeneous solution-type nuclear reactor located in Chicago, Ill.

Copies of the Commission's Order and of the application amendment by the IIT Research Institute are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of March 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-2954; Filed, Mar. 22, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation 6]

STEAMSHIP CONFERENCE

Effects on Foreign Commerce of U.S.; Hearing

MARCH 18, 1965.

A further hearing in this proceeding will commence at 10 a.m. on April 5, 1965, in Room 114, 1321 H Street NW., Washington, D.C. The hearing will be open to the public.

RALPH P. DICKSON,
Investigative Officer.

[F.R. Doc. 65-2946; Filed, Mar. 22, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9991 etc.]

GULF OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 16, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-9991 D 3-8-65	Gulf Oil Corp	Michigan Wisconsin Pipe Line Co., Nichols Field, Kiowa County, Kans.	(1)	
G-10064 E 3-8-65	John A. Hendershot (successor to Russell Cobb, Jr.).	Arkansas, Louisiana Gas Co., South Hunter Field, Garfield County, Okla.	11.0	14.65
G-10143 C 3-10-65	The Atlantic Refining Co	Tennessee Gas Transmission Co., West Delta Area, Plaquemines Parish, La.	20.0	15.025
G-11870 D 3-8-65	Socony Mobil Oil Co., Inc. (partial abandonment).	Panhandle Eastern Pipe Line Co., Prairie Field, Hansford County, Tex.	(2)	
G-12003 D 3-8-65	do	Phillips Petroleum Co., Texas Hugoton Field, Hansford County, Tex.	(2)	
G-13207 E 3-3-65	Colorado Oil and Gas Corp. (successor to Socony Mobil Oil Co., Inc.).	Colorado Interstate Gas Co., Acreage in Meade County, Kans.	15.0	14.65
CI61-119 C 3-11-65	Texaco Inc. (Operator), et al.	Natural Gas Pipeline Co. of America, Encinitas and Kelsey Fields, Brooks County, Tex.	16.0	14.65
CI61-752 D 3-10-65	The Atlantic Refining Co	Michigan Wisconsin Pipe Line Co., Woodward Area Field, Major County, Okla.	Assigned	
CI61-900 E 3-8-65	Livingston Oil Co. (successor to A. O. Olson, d.b.a. Olson Oil Co.).	Cities Service Gas Co., West Palmer Field, Barber County, Kans.	13.0	14.65
CI62-914 B 2-8-62	David A. Schlachter, et al	Tennessee Gas Transmission Co., Watson Lease, Morales Field, Jackson County, Tex.	Depleted	
CI63-231 D 3-10-65	Ryan Consolidated Petroleum Corp.	Hope Natural Gas Co., New Milton District, Doddridge County, W. Va.	(2)	
CI63-538 E 2-11-65	Genere Gas Industries, Inc. (successor to James A. Ford d.b.a. Maytex Gas Co., Operator).	Texas Gas Transmission Corp., N.E. Bethany Field, Panola County, Tex.	[4] 13.0	14.65
CI64-441 E 2-11-65	Genere Gas Industries, Inc. (successor to James A. Ford d.b.a. Maytex Gas Co. (Operator), et al.)	do	14.0	14.65
CI64-947 C 3-8-65	The Atlantic Refining Co	Northern Natural Gas Co., Ivanhoe Field, Beaver County, Okla.	17.0	14.65
CI64-1333 C 3-10-65	Har-Ken Oil Co	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
CI65-857 F 2-23-65 [3]	Sam D. Ares and Albert L. Ares (Operators), et al. (successor to Cities Service Oil Co.).	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	9.0232	14.65
CI65-861 B 3-4-65	Sunray DX Oil Co	Texas Eastern Transmission Corp., Hordes Creek Field, Goliad County, Tex.	Depleted	
CI65-862 A 3-5-65	Hassie Hunt Trust	Texas Gas Transmission Corp., North Rousseau Field, Lafourche Parish, La.	20.625	15.025
CI65-863 B 3-5-65	do	United Gas Pipe Line Co., Bryceland Area, Bienville Parish, La.	Depleted	
CI65-864 A 3-3-65	Ne-O-Tex Corp	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	[4] 18.243	14.65
CI65-865 B 3-5-65	Cheyenne Oil Corp. of Delaware.	Texas Gas Transmission Corp., Grant Coulee Area, Acadia Parish, La.	(2)	
CI65-866 B 3-4-65	Champlin Petroleum Co. (Operator), et al.	Arkansas Louisiana Gas Co., Hood Estate Unit No. 1, Stephens County, Okla.	Depleted	
CI65-867 F 3-8-65	C. H. Lyons, Sr., et al. (successor to Union Producing Co.).	United Gas Pipe Line Co., Rodessa Field, Caddo Parish, La., and Cass County, Tex.	[4] 12.03	14.65
CI65-868 A 3-8-65	Neal Rudder, et al	Hope Natural Gas Co., Central District, Doddridge County, W. Va.	25.0	15.325
CI65-869 A 3-8-65	West Vandyfy Trust	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI65-870 A 3-8-65	Trojan Coal & Petroleum Corp.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI65-871 A 3-8-65	Pioneer Petroleum, Inc., et al.	Hope Natural Gas Co., Union District, Harrison County, W. Va.	25.0	15.325
CI65-872 A 3-8-65	Texas American Oil Corp	Northern Natural Gas Co., Ozona (Canyon) Southwest Field, Crockett County, Tex.	16.0	14.65
CI65-873 A 3-8-66	Madison Gas Co	Hope Natural Gas Co., Ripley District, Jackson County, W. Va.	25.0	15.325
CI65-874 A 3-8-65	Deb Oil & Gas Co	Hope Natural Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
CI65-876 A 3-8-65	Union Drilling, Inc	Cumberland and Allegheny Gas Co., Banks District, Upshur County, W. Va.	25.0	15.325
CI65-877 B 3-8-65	Sunray DX Oil Co	Texas Eastern Transmission Corp., North Goebel Field, Live Oak County, Tex.	Depleted	
CI65-878 A 3-8-65	George T. Abell	El Paso Natural Gas Co., Gomez Area, Pecos County, Tex.	16.72275	14.65
CI65-879 A3-8-65	Ambassador Oil Corp. (Operator), et al.	Northern Natural Gas Co., Acreage in Ochiltree County, Tex.	17.0	14.65
CI65-880 A3-8-65	Spartan Gas Co	United Fuel Gas Co., Malden District, Kanawha County, W. Va.	23.0	15.325
CI65-881 B 3-8-65	Turnbull & Zoch Drilling Co. (Operator), et al.	Florida Gas Transmission Co., Monto Christo Field, Hidalgo County, Tex.	Depleted	
CI65-882 B 3-8-65	Humble Oil & Refining Co	American Louisiana Pipe Line Co., Chenière Perdue, East Field, Cameron Parish, La.	(2)	
CI65-883 F 3-8-65	Forest Oil Corp	Texas Eastern Transmission Corp., Dallas Husky Field, Goliad County, Tex.	11.8	14.65
CI65-884 F 3-8-65	do	do	13.8733	14.65
CI65-885 A 2-23-65 3-10-65 [5]	Oil and Gas Property Management, Inc. (Operator), et al.	Tennessee Gas Transmission Co., Various Fields, Liberty and San Jacinto Counties, Tex.	15.0	14.65
CI65-886 A 2-23-65 3-10-65 [5]	do	Tennessee Gas Transmission Co., Acreage in Wharton County, Tex.	14.78069	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-887 F 3-9-65	Rutter and Co., Ltd. and G. L. Wilbanks.	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	16.0	14.65
CI65-888 F 3-2-65	Rouzer Oil Co. (successor to Preston Oil Co.).	United Fuel Gas Co., Union District, Clay County, W. Va.	16.0	15.325
CI65-889 A 3-10-65	Carey Oil Co., et al.	Hope Natural Gas Co., Grant District, Doddridge County, W. Va.	25.0	15.325
CI65-890 A 3-10-65	E. C. Wilson, et al.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.235
CI65-891 A 3-10-65	Carey Oil Co., et al.	Hope Natural Gas Co., Grant District, Doddridge County, W. Va.	25.0	15.325
CI65-892 A 3-10-65	John S. Bailey, Jr., et al.	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	25.0	15.235
CI65-893 A 3-10-65	Gus Berry	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI65-894 A 3-10-65	West Vandyfy Trust	United Fuel Gas Co., Geary District, Roane County, W. Va.	25.0	15.325
CI65-895 A 3-9-65	Victor Hale	Kentucky West Virginia Gas Co., Middle Creek Field, Floyd County, Ky.	20.0	15.225

[1] Deletes from contract acreage from which sales have never been made.
[2] Assignment of producing properties and partial cancellation of gas sales contract.
[3] Assignment of producing properties by Applicant.
[4] Includes 0.5 cent per Mcf tax reimbursemetn. Price also subject to downward B.t.u. adjustment.
[5] Application erroneously noticed March 3, 1965, in Docket Nos. G-2684, et al. as a complete succession under Docket No. G-4579 at a total initial rate of 16.0 cents per Mcf.
[6] Includes 0.243 cent per Mcf tax reimbursement.
[7] Due to encroachment of salt water, well is no longer productive.
[8] Includes 1.28 cents per Mcf tax reimbursement.
[9] Well has ceased to produce.
[10] Filing completed.

[F.R. Doc. 65-2863; Filed, Mar. 22, 1965; 8:45 a.m.]

[Docket No. G-5965 etc.]

HAYS OIL & GAS CO. ET AL.

Findings and Order

MARCH 15, 1965.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Substituting Respondent, Making Successors Co-Respondents, Redesignating Proceedings, Requiring Filing of Certain Agreements and Undertakings and Accepting Certain Agreements and Undertakings for Filing, Accepting Related Rate Schedules and Supplements for Filing and Permitting Withdrawal of Intervention:

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

American Petrofina Co. of Texas (Operator), et al., Applicant in Docket No. CI61-1634, proposes to continue the sale of natural gas authorized in said docket and made pursuant to John F. Merrick (Operator), et al., FPC Gas Rate Schedule No. 4. Merrick's rate schedule will be redesignated as a rate schedule of American Petrofina. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-427. American Petrofina has filed a motion to be made co-respondent in said proceeding from the date of transfer of the producing properties and an agreement and undertaking to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, American Petrofina will be made co-respondent, the proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

Neville G. Penrose (Operator), et al., Applicant in Docket No. CI62-745, proposes to continue the sale of natural gas authorized in said docket to be made pursuant to a contract designated as Penrose & Tatum (Operator), et al., FPC Gas Rate Schedule No. 1. Only a change in operator is involved. The presently effective rate under the subject contract is in effect subject to refund in Docket No. RI65-34. Accordingly, Neville G. Penrose (Operator), et al., will be substituted as respondent in Docket No. RI65-34, said proceeding will be redesignated, and Neville G. Penrose (Operator), et al., will be required to file an agreement and undertaking to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in Docket No. RI65-34.

J. C. Trahan, Drilling Contractor, Inc., Applicant in Docket No. CI64-633, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-12334 and made pursuant to a contract designated as Phillips Petroleum Company FPC Gas Rate Schedule No. 300 which will also be designated as Trahan's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-17156.[1] Trahan has filed a motion in Docket No. G-17156 to be made co-respondent therein insofar as said proceeding pertains to sales from acreage acquired from Phillips. Concurrently with the motion Trahan filed an agreement and undertaking to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in Docket No. G-17156. Accordingly, Trahan will be made co-respondent, the proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

Parker & Parsley, et al., Applicants in Docket No. CI65-520, proposed, inter alia, to continue in part the sale of natural gas heretofore authorized in Docket No. G-5145 to be made pursuant to Humble Oil & Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 5. The presently effective rate under Humble's contract is in effect subject to refund in Docket No. RI65-11. Although the rate at which Applicants propose to sell gas from acreage acquired from Humble is less than Humble's presently effective rate, it is in excess of the last rate not suspended and made effective subject to refund. Accordingly, Applicants will be made co-respondents in the proceeding pending in Docket No. RI65-11 insofar as said proceeding pertains to sales of natural gas by Applicants from acreage heretofore dedicated to Humble's contract, said proceeding will be redesignated, and Applicants will be required to file an agreement and undertaking to assure the refund of any amounts collected by them, for sales of natural gas from acreage heretofore dedicated to Humble's contract, in excess of the amount determined to be just and reasonable in Docket No. RI65-11.

After due notice, a notice of intervention by The Public Service Commission of the State of New York was filed on December 26, 1963, in Docket No. CI64-633. A notice of withdrawal by intervener was filed on February 9, 1965, in said docket. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on March 4, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the

[1] Consolidated with Docket No. AR61-2, et al.

respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are 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.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-5145, G-5965, G-6663, G-7087, G-10131, G-12334, CI61-990, CI61-1425, CI61-1634, CI62-27, CI62-745, CI62-1358, CI63-234 and CI64-284 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American Petrofina Co. of Texas (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI64-427 as of September 1, 1964, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by American Petrofina should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Neville G. Penrose (Operator), et al., should be substituted as respondent in the proceeding pending in Docket No. RI65-34, that said proceeding should be redesignated accordingly, and that Neville G. Penrose (Operator), et al., should be required to file an agreement and undertaking.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. C. Trahan, Drilling Contractor, Inc., should be made a co-respondent in the proceeding pending in Docket No. G-17156 insofar as said proceeding pertains to sales made by it from acreage acquired from Phillips Petroleum Company, said proceeding should be redesignated accordingly, and the agreement and undertaking filed by J. C. Trahan, Drilling Contractor, Inc., should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Parker & Parsley, et al., should be made co-respondents in the proceeding pending in Docket No. RI65-11 insofar as said proceeding pertains to sales of natural gas by them from acreage heretofore dedicated to Humble Oil & Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 5, that said proceeding should be redesignated accordingly, and that Parker & Parsley, et al., should be required to file an agreement and undertaking.

(12) It is necessary and proper in carrying out the provisions of the Natural Gas Act that The Public Service Commission of the State of New York should be permitted to withdraw the notice of intervention filed on December 26, 1963, in Docket No. CI64-633.

(13) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein 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 sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the 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 certificates 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 certificates.

(D) The certificate issued herein in Docket No. CI65-547 involving a sale of gas by Tenneco Oil Co. to its parent, Tennessee Gas Transmission Co., is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G-6663, G-7087, CI61-1425, CI62-1358, CI63-234 and CI64-284 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificates heretofore issued in Docket Nos. G-5145, G-10131, G-12334, CI61-990 and CI62-27 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65-520, CI65-736, CI64-633, CI65-547 and CI64-110.

(G) The certificates heretofore issued in Docket Nos. G-5965 and CI61-1634 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. CI62-745 is hereby amended to reflect Neville G. Penrose as operator of the property involved in lieu of Penrose & Tatum.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) In view of the abandonment authorization granted herein in Docket No. CI65-696, the certificate heretofore issued in Docket No. G-5197 is hereby terminated only insofar as it pertains to acreage covered by FPC Gas Rate Schedule Nos. 1, 2, 3, and 5.

(K) The certificates heretofore issued in Docket Nos. G-15901 and CI61-1305 are hereby terminated.

(L) American Petrofina Co. of Texas (Operator), et al., be and is hereby made co-respondent in the proceeding pending in Docket No. RI64-427 as of September 1, 1964; said proceeding is redesignated accordingly;[2] and the agreement and undertaking submitted by American Petrofina in said proceeding is accepted for filing.

(M) Neville G. Penrose (Operator), et al., be and is hereby substituted as respondent in the proceeding pending in Docket No. RI65-34, and said proceeding is redesignated accordingly.[3]

[2] John F. Merrick (Operator), et al., and American Petrofina Co. of Texas (Operator), et al.

[3] Neville G. Penrose (Operator), et al.

(N) Within 30 days from the issuance of this order Neville G. Penrose (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI65–34 to assure the refund of any amount, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in Docket No. RI65–34. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(O) J. C. Trahan, Drilling Contractor, Inc., be and it is hereby made co-respondent in the proceeding pending in Docket No. G–17156 insofar as said proceeding pertains to sales made by it from acreage acquired from Phillips Petroleum Company; said proceeding is redesignated accordingly; [4] and the agreement and undertaking filed by J. C. Trahan, Drilling Contractor, Inc., in said proceeding is accepted for filing.

(P) Parker & Parsley, et al., be and they are hereby made co-respondents in the proceeding pending in Docket No. RI65–11 insofar as said proceeding pertains to sales of natural gas by them from acreage heretofore dedicated to Humble Oil & Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 5, and said proceeding is redesignated accordingly.[5]

(Q) Within 30 days from the issuance of this order, Parker & Parsley, et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI65–11 to assure the refund of any amounts collected by them, together with interest at the rate of seven percent per annum, for the sale of natural gas from acreage heretofore dedicated to Humble Oil & Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 5, in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission, within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(R) Parties herein made respondents in the proceedings pending in Docket Nos. G–17156, RI64–427, RI65–11 and RI65–34 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(S) The Public Service Commission of the State of New York is hereby permitted to withdraw the notice of intervention filed on December 26, 1963, in Docket No. CI64–633.

(T) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3965 ..... E 12–21–64	Glen Tompkins, et al. d.b.a. Hays Oil & Gas Co. (successor to Hays Oil & Gas Co., Inc.).	Southeastern Gas Co., Henry District, Clay County, W. Va.	Hays Oil & Gas Co., Inc., FPC GRS No. 1.	8	.....
			Notice of succession 12–10–64.	8	.....
			Assignment 10–1–64 [1]	8	1
			Effective date: 10–1–64.		
G–6663 ..... C 12–10–64 1–18–65 [2]	Sun Oil Co. (Southwest Division).	Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.	Amendatory agreement 8–3–54 [3]	60	3
			Amendatory agreement 4–27–56 [3 4]	60	4
G–7087 ..... D 12–22–64	Columbian Fuel Corp.	Pentuzoli Co., Peytonia District, Boone County, W. Va.	Supplemental agreement 11–25–64. [3 6]	87	3
G–10131 ..... D 12–28–64	Humble Oil & Refining Co.	Colorado Interstate Gas Co., Greenwood Field, Stanton County, Kans.	Assignment 8–11–64 [6 7]	193	9
CI61–1425 ..... C 1–18–65	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator), et al.	El Paso Natural Gas Co., Jalmat Area, Lea County, N. Mex.	Supplemental agreement 8–14–64. [8]	46	17
CI64–1634 ..... E 12–28–64	American Petrofina Co., of Texas (Operator), et al. (successor to John F. Merrick (Operator), et al.).	Tennessee Gas Transmission Co., Tomball Field, Harris County, Tex.	John F. Merrick (Operator), et al., FPC GRS No. 4.	45	.....
			Supplement No. 1	45	1
			Notice of succession 12–22–64.	.....	.....
			Assignment 9–30–64 [1]	45	2
			Effective date: 9–1–64.	.....	.....
CI62–745 ..... E 12–21–64	Neville G. Penrose (Operator), et al. (successor to Penrose & Tatum (Operator), et al.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Penrose & Tatum (Operator), et al., FPC GRS No. 1.	3	.....
			Supplement Nos. 1–2	3	1–2
			Notice of succession 12–16–64. [9 10]	.....	.....
CI62–1358 ..... D 12–11–64 12–21–64	Allerton Miller	Equitable Gas Co., Warren & Meade Districts, Upshur County, W. Va.	Letter agreement 11–4–64. [9 11]	6	3
CI65–234 ..... C 1–15–65	Socony Mobil Oil Co., Inc.	Arkansas Louisiana Gas Co., Red Oak Field, LeFlore County, Okla.	Letter agreement 12–11–64. [9]	333	7
A CI64–110 ..... (CI62–27) F 7–19–63	E. D. Smith [12] (successor to Tam Oil, Inc.).	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Contract 6–20–60	1	.....
			Assignment 2–10–60 [9 13]	1	1
CI64–284 ..... D 1–11–65	The Pure Oil Co.	Arkansas Louisiana Gas Co., Acreage in Washita County, Okla.	Notice of partial cancellation 1–11–65 [3 14]	80	2
A CI65–520 ..... (G–5145) F 11–30–64	Parker & Parsley, et al.[15]	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Contract 10–15–64	1	.....
			Assignment 1–27–64 [16]	1	1
			Assignment 3–25–64 [17]	1	2
A CI65–547 ..... (CI61–990) F 12–8–64 1–19–65 [18]	Tenneco Oil Co. (Operator), et al. (successor to Monsanto Chemical Co.).	Tennessee Gas Transmission Co., South Berosa Field, Starr County, Tex.	Contract 2–15–60 [19]	178	.....
			Letter agreement 4–10–60.	178	1
				178	2
			Supplemental agreement 4–24–61.	178	3
			Letter agreement 7–11–55.	178	4
			Letter 1–1–57	178	5
			Letter agreement 9–19–58.	178	6
			Letter agreement 4–28–59.	178	7
			Amendment 4–5–60 [20]	178	8
			Supplemental agreement 11–9–60. [21]	178	9
			Letter agreement 3–20–61.	178	10
			Assignment 5–13–64 [22]		
			Effective date: 5–13–64.		
A CI64–633 ..... (G–12334) F 11–27–63	J. C. Trahan, Drilling Contractor, Inc. (successor to Phillips Petroleum Co.).	Southern Natural Gas Co., Eliot Bay Field, St. Bernard Parish, La.	Contract 2–26–57	27	1
			Agreement 4–3–58	27	2
			Agreement 4–15–58	27	3
			Agreement 10–31–58	27	4
			Agreement 6–4–59	27	5
			Assignment 3–19–62	27	6
			Assignment 4–4–62 [9]	41	.....
CI65–654 ..... A 1–7–65	Fairman Drilling Co.	New York State Natural Gas Corp., Big Run Pool, Jefferson County, Pa.	Contract 6–1–64 [9]		
CI65–656 ..... A 1–7–65	do	do	Contract 4–2–57 [4]	40	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[4] Phillips Petroleum Co. and J. C. Trahan, Drilling Contractor, Inc.

[5] Humble Oil & Refining Co. (Operator), et al., Amerada Petroleum Corp., and Parker & Parsley, et al.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C165-695 (G-5197)[12] B 1-4-65	B. M. Tyree Pickens	The Ohio Fuel Gas Co., Sutton Field, Meigs County, Ohio	Notice of cancellation 12-24-64 [8 24]	1	4
C165-696 (G-5197)[12] B 1-4-65	do	do	do	2	4
C165-697 (G-5197)[12] B 1-4-65	do	do	do	3	4
C165-698 (G-5197)[12] B 1-4-65	do	do	do	5	4
C165-699 A 1-15-65	Oil and Gas Property Management, Inc.	United Gas Pipe Line Co., Iberia Field, Iberia Parish, La.	Contract 1-14-65	22	
C165-702 A 1-15-65	Gulf Oil Corp.	Northern Natural Gas Co., Hansford Lower Morrow Field, Hansford and Hutchinson Counties, Tex.	Contract 11-15-64 Letter Agreement 11-18-64.[4]	284 284	1
C165-704 A 1-15-65	Tidewater Oil Co.	American Louisiana Pipe Line Co., Kings Bayou Field, Cameron Parish, La.	Contract 12-22-64 [4]	140	
C165-705 (G-15901) B 1-18-65	Humble Oil & Refining Co.	Lone Star Gas Co., Robberson Heirs Lease, Jefferson County, Okla.	Notice of cancellation 1-12-65. [8 25]	243	2
C165-706 (CI61-1305) B 1-18-65	Richard H. Brumbaugh, Agent for Brannon 84-Acre Lease.	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	Notice of cancellation 1-15-65.[8 26]	4 [28]	1
C165-708 A 1-13-65	Gulf Oil Corp.	Northern Natural Gas Co., Bradford Tonkawa Area, Lipscomb County, Tex.	Contract 11-17-64 [4]	285	
C165-709 A 1-15-65	Standard Oil Co. of Texas, A division of California Oil Co.	Natural Gas Pipeline Co. of America, Mobeetie Area, Wheeler County, Tex.	Contract 10-15-64 [4]	43	
A C165-736 [27] (G-10131) F 12-21-64	The Superior Oil Co. (successor to Humble Oil & Refining Co.).	Colorado Interstate Gas Co., Sparks Field, Stanton County, Kans.	Contract 10-17-55 [29]	[29] 113	
			Amendment 12-18-56	113	1
			Amendment 12-26-56	113	2
			Amendment 4-24-57	113	3
			Agreement 12-19-58	113	4
			Amendment 9-19-63 [30]	113	5
			Amendment 9-19-63 [31]	113	6
			Assignment 8-11-64 [32]	113	7
			Effective date: 8-11-64		

[1] Hays Oil & Gas Co., Inc., to Glen Tompkins, H. D. Kinsey and James P. Koontz, d.b.a. Hays Oil & Gas Co.
[2] Applicant filed amendment to the application to reflect a rate of 9.743 cents per Mcf in lieu of 12.0212 cents per Mcf.
[3] Agreements filed June 19, 1956, and accepted by Commission letter dated July 26, 1956, as Supplement Nos. 3 and 4 to FPC Gas Rate Schedule No. 60.
[4] Effective date: Date of initial delivery.
[5] Relates to the release by Pennzoil Co., of the right to take natural gas from certain formations.
[6] Effective date: Date of this order.
[7] Deletes acreage assigned to the Superior Oil Co., in Docket No. CI65-736.
[8] Conveys John F. Merrick's ¼-working interest to American Petrofina with a production payment reserved for Marth Oil Co.
[9] No change in ownership involved, only a change in the operator.
[10] Effective date: Date Neville G. Penrose assumed operation of subject property. Applicant should advise the Commission of such date.
[11] Deletes 22 acres as the result of expired lease No. 2439-3 and substitutes lease No. 25027-1 for lease No. 25027 which extends term of the subject lease but does not otherwise effect the acreage dedication.
[12] By letter dated Apr. 13, 1964, Applicant agreed to accept a permanent certificate conditioned to area ceiling rate of 15.0 cents per Mcf in lieu of contractual rate of 16.8 cents per Mcf.
[13] From Tam Oil, Inc., to E. D. Smith.
[14] Releases undeveloped acreage that has been quitclaimed.
[15] By letter filed Feb. 9, 1965, Applicant agreed to accept permanent certificate authorization under same condition as paragraph (1) of the temporary certificate issued Feb. 4, 1965.
[16] Lease from Humble Oil & Refining Co. to Parker & Parsley (covers 13/40th interest dedicated to contract comprising Humble Oil & Refining Co. (Operator), et al., FPC GRS No. 5).
[17] Assignment from Ruth Virginia Ferguson to Parker & Parsley of previously undedicated 1/32d interest (remaining 206/3,200th interest leased directly by Parker & Parsley) (all of this interest was previously undedicated).
[18] Applicant filed amendment to the application to reflect a rate of 14.6 cents per Mcf in lieu of 15.6 cents per Mcf.
[19] Contract executed by the Chicago Corp. and Tennessee Gas Transmission Co.
[20] Eliminates indefinite pricing provisions from basic contract and establishes provisions for periodic price increase of 1.0 cent every 5 years.
[21] Instrument whereby Monsanto Chemical Co. ratified terms of basic contract between the Chicago Corp. and Tennessee.
[22] Transfers acreage from Monsanto to Tenneco.
[23] Also covers sales under rate schedule No. 4 which rate schedule is not being cancelled herein.
[24] Source of gas depleted.
[25] Unprofitable for buyer to continue operating pipeline system serving subject lease.
[26] Production of gas no longer economically feasible.
[27] Application to amend filed Dec. 21, 1964, erroneously assigned Docket No. G-10131 (noticed Jan. 25, 1965, in Docket Nos. G-3609, et al.) is now being treated as an initial application and assigned Docket No. CI65-736 for the partial succession involved.
[28] On file as Humble Oil & Refining Co. FPC Gas Rate Schedule No. 193.
[29] The allowance for the B.t.u. adjustment provisions in Applicant's related rate schedule are subject to ultimate disposition with respect to such provisions in the rule-making proceeding in Docket No. R-200. Such condition was imposed upon the predecessor's rate in its companywide rate settlement.
[30] Amends pricing provisions of basic contract.
[31] Amends quantity provisions of basic contract.
[32] Conveys acreage from Humble Oil & Refining Co. to Applicant.

SUGGESTED AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this _____ day of _____, 19—.

_____
(Name of Respondent)

Attest: By _____

[F.R. Doc. 65-2864; Filed, Mar. 22, 1965; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CERTAIN DESIGNATED OFFICIALS

Delegation of Final Authority

Section II, Delegation of Final Authority, is amended by changing paragraph E5 to read as follows:

5. To attest all documents requiring attestation and certify that copies of documents, leases, contracts, and other papers are identical with the originals:

In the Central Office:

Director of the Office Services Branch.
Financing Officer, Legal Division.
Financing Assistant, Legal Division.
Secretary to the Director of the Office Services Branch.

In the Regional Offices:

Secretaries to the Regional Attorneys (except Fort Worth Regional Office).
Financing Assistant, Fort Worth Regional Office.
Production Control Assistants.
Documents Control Clerks.
Regional Attorney, Philadelphia Regional Office.

This delegation supersedes the delegation approved August 7, 1964 (29 F.R. 11665, August 14, 1964).

Effective as of the 16th day of March 1965.

Approved: March 16, 1965.

MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 65-2926; Filed, Mar. 22, 1965; 8:45 a.m.]

[1] If a corporation.

CIVIL AERONAUTICS BOARD

[Docket 15911]

AEROVIAS ECUATORIANAS, C.A.

Notice of Hearing

Application of Aerovias Ecuatorianas, C.A., in Docket 15911 for a foreign air carrier permit to engage in the foreign air transportation of persons, property, and mail between any point or points in Ecuador and Miami, Fla., via Bogota, Colombia.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on March 25, 1965, at 10:30 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 17, 1965.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 65-2932; Filed, Mar. 22, 1965; 8:46 a.m.]

[Order No. E-21907]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March 1965.

Agreement adopted by Joint Conferences 1-2 and 3-1 of the International Air Transport Association relating to specific commodity rates, Docket 15353, Agreement C.A.B. 18169, R-4 and R-5.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Joint Specific Commodity Rates Committee).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Reports Nos. 6 and 7, names additional specific commodity rates as set forth below.

Item 0003—Foodstuffs, Spices and Beverages NES, excluding Caviar and Hatching Eggs, 90 cents per kg., minimum weight 500 kgs., New York/Boston to Conakry.

Item 6204—Locust Bean Gum Derivatives, 80 cents per kg., minimum weight 100 kgs., Barcelona to New York.

Item 6425—Ginseng Root, 183 cents per kg., minimum weight 500 kgs., 171 cents per kg., minimum weight 1,000 kgs., Seoul to West Coast points.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 18169, R-4 and R-5, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-2933; Filed, Mar. 22, 1965; 8:46 a.m.]

[Order No. E-21912, Docket 15949]

MOHAWK AIRLINES, INC.

Reduced Fares for Students; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1965.

By tariff revisions[1] filed February 8, 1965, marked to become effective March 25, 1965, Mohawk Airlines, Inc., proposes student fares between New York or Newark, on the one hand, and Buffalo, Ithaca, Rochester, and Syracuse, on the other, at approximately 90 percent of applicable regular first-class fares. The proposed fares apply only on designated dates to students of Cornell University, Syracuse University, Niagara University, Buffalo University, and the University of Rochester. Tickets must be issued at least 10 days prior to the date of departure and are refundable not later than 7 days prior to date of departure. No complaints have been filed.

In support of its proposal, Mohawk states that it has experienced a large volume of duplicate reservations during the period when college students travel over holiday and other vacation periods; that a recent survey covering the Christmas and New Year holiday period reflected a number of students making two and three reservations, using one and "no-showing" the others; and that the purpose of these fares is to offer a 10-percent discount to students traveling during these peak periods providing certain conditions are fulfilled, so to reduce the volume of multiple reservations.

Mohawk's statement in support of its proposal does not justify either the discrimination or the harsh forfeiture provisions of its proposed tariff. Upon examination of the matters of record, we find that the proposed student fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated.

The tariff of Mohawk would effect a forfeiture of 100 percent of the purchase price of the ticket unless the ticket was presented for refund before 6 days prior to the date of departure. The Board has previously found similar tariff provisions as being unjust and unreasonable because of the forfeiture provisions, where the amount of the forfeiture was in excess of 25 percent of the ticket price.[2]

The tariff, in restricting the availability of the reduced fares to students, is inherently discriminatory in that fares are available only to a certain status of persons. While the Board has adopted a liberal approach to the discrimination provisions of the Act, it has on numerous occasions disapproved, as unjustly discriminatory, fares limited to students[3] or other specified occupational classes of the civilian population.[4] Moreover, the instant proposal presents an added aspect of discrimination in that the reduced fares are available only to students of certain named universities but not available to students of other institutions. This aspect underscores the unjust discrimination inherent in the instant proposal since the reduced fare service and regular fare service would be like and contemporaneous and would be offered under substantially the same circumstances and conditions as regular fare service. While Mohawk's statement submitted in connection with its tariff filing suggests that this proposal may serve to alleviate the problem of students making multiple reservations with consequent no-show problems, such allegations do not justify the discrimination inherent herein. Consequently, we conclude that the proposed tariff revisions of Mohawk should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

[1] Revisions to Airline Tariff Publishers, Inc.'s C.A.B. No. 44, bearing a posting date of Feb. 8, 1965.

[2] Air Bus Tariffs Investigation, Order E-20115, Oct. 23, 1963, which found the fare forfeiture of those tariffs unlawful. The fare forfeiture in this case was 100 percent, unless the ticket was presented for refund before 24 hours prior to scheduled departure time.

[3] Capital Group Student Fares, 25 C.A.B. 280 (1957); Field Trip Group Fares for School Children proposed by United Air Lines, Inc., Order E-19599, May 21, 1963; Student Standby Fares proposed by Caribbean-Atlantic Airlines, Inc., Order E-21667, Jan. 12, 1965. While the Board has permitted reduced standby fares to become effective which were limited to members of the U.S. military forces when traveling on leave or furlough, the military proposal contained national interest and competitive considerations which do not appear to be present in the instant proposal. See Order E-19376, adopted Mar. 14, 1963, mimeo pp. 2-3.

[4] Reduced Fares for Former Employees, Order E-19311, Feb. 19, 1963, finalized by Order E-19907, Aug. 15, 1963; and Reduced Fares for Teachers Order E-19620, May 28, 1963, finalized by Order E-20437, Feb. 4, 1964.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on 1st Revised Page 184–B and 2d Revised Page 184–B of Airline Tariff Publishers, Inc., Agent, C.A.B. No. 44, and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions on 1st Revised Page 184–B and 2d Revised Page 184–B of Airline Tariff Publishers, Inc., Agent, C.A.B. No. 44, are suspended and their use deferred to and including June 22, 1965, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Mohawk Airlines, Inc., which is hereby made a party 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. 65-2934; Filed, Mar. 22, 1965; 8:46 a.m.]

[Docket 15910]

UNIT-LOAD TARIFFS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 8, 1965, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the Examiner and other parties on or before March 31, 1965: (1) Formal motions with respect to the proceeding; (2) proposed statements of issues; (3) proposed stipulations, if any; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., March 16, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-2935; Filed, Mar. 22, 1965; 8:46 a.m.]

[Order No. E-21920, Docket 15958]

B.N.P. AIRWAYS LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of March 1965.

Pursuant to Order E-19291, effective February 11, 1963, a foreign air carrier permit was issued to B.N.P. Airways Limited (B.N.P.) authorizing it to engage in foreign air transportation of persons and property between Vancouver, British Columbia, Canada, and all points in the continental United States including Alaska. The order limited B.N.P. to the performance of nonscheduled air transportation on a casual, occasional, and infrequent basis with aircraft having a maximum gross takeoff weight of 12,500 pounds. B.N.P. was also authorized to engage in charter trips in foreign air transportation subject to the terms, conditions and limitations prescribed by Part 212 of the Board's Economic Regulations.

By letter received January 14, 1965, B.N.P. requested that its foreign air carrier permit be canceled. The carrier stated that it had suspended all air operations as of July, 1964, and has decided that it will not resume such operations.

Upon consideration of these allegations and acting pursuant to sections 204(a) and 402(f) of the Federal Aviation Act of 1958, as amended, the Board tentatively finds and concludes that since B.N.P. has ceased operations and does not intend to resume them and requests that its permit be canceled, it is in the public interest to cancel the permit.

Accordingly, it is ordered:

1. That B.N.P. be and it hereby is ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and canceling the foreign air carrier permit issued to B.N.P. pursuant to Order E-19291.

2. That B.N.P. or any other interested person may file a memorandum [1] in support of or in opposition to the Board's tentative findings and conclusions within 15 days of the date of service of this order;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for decision thereon and submission of the Board's decision to the President of the United States;

4. That on expiration of the 15-day period allowed for the filing of pleadings, if objections are filed, this proceeding shall be set for hearing before an examiner of the Board and shall be limited to consideration of issues raised by the pleadings filed; and

5. That copies of this order shall be served upon B.N.P. and the Ambassador of the Government of Canada.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-2960; Filed, Mar. 22, 1965; 8:48 a.m.]

[1] The Board will not separately entertain petitions seeking reconsideration of this order. All requests for relief from, or modification of, this order shall be submitted with such objections as may be made to the issuance of an order making final the proposed findings and conclusions and canceling the permit hereinabove described.

EMERY AIR FREIGHT CORP.

Notice of Application for Tariff-Filing Authority; Pick-Up and Delivery Zone

MARCH 18, 1965.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 15960, from Emery Air Freight Corp., Post Office Box 322, Wilton, Conn., for authority to provide true pickup and delivery service of air freight shipments between the Houston International Airport on the one hand, and, on the other, points in Orange, Jefferson, Chambers, and Galveston Counties, Tex.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-2961; Filed, Mar. 22, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-212]

KLAK, LAKEWOOD BROADCASTING SERVICE, INC.

Standard Broadcast Application Ready and Available for Processing

MARCH 18, 1965.

Having found that the following application meets the requirements of our rules which govern the acceptance of standard broadcast applications and consistent with the Commission's action of March 17, 1965, it has been accepted for filing and will be processed and considered by the Commission out of normal turn. It has been established that the licensee must vacate the present site by July 1, 1965.

KLAK, Lakewood, Colo.
Lakewood Broadcasting Service, Inc.
Has: 1600 kc, 1 kw, 5 kw-LS, DA-N, U.
Req: 1600 kc, 5 kw, DA-N, U.

Accordingly, notice is hereby given that the above application is accepted for filing and that on April 27, 1965, the application will be considered as ready and available for processing, and pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on April 26, 1965, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 26, 1965, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: March 17, 1965.

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

[F.R. Doc. 65-2959; Filed, Mar. 22, 1965; 8:48 a.m.]

[Docket Nos. 15861, 15862; FCC 65M-330]

CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROADCASTING CO., INC.

Order Scheduling Further Prehearing Conference

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP-15808; for construction permits.

As a result of agreements reached upon the record of a prehearing conference held this date, and in view of the extreme complexity of the engineering phases of this proceeding; *It is ordered*, This 16th day of March 1965, that a further prehearing conference will be held in this matter commencing at 2:30 p.m., April 19, 1965, and

It is further ordered, That the hearing now scheduled for April 19, 1965, is cancelled and the date for the same will be reset at the time of the April 19, 1965, prehearing conference.

Released: March 18, 1965.

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

[F.R. Doc. 65-2956; Filed, Mar. 22, 1965; 8:48 a.m.]

[Docket No. 12865; FCC 65M-289]

CHRONICLE PUBLISHING CO. (KRON-TV)

Memorandum Opinion and Order Continuing Hearing

In re application of Chronicle Publishing Co. (KRON-TV), San Francisco, Calif., Docket No. 12865, File No. BPCT-2168; for construction permit to increase antenna height.

1. Another hearing conference in this matter is scheduled for March 31, 1965. On March 15, 1965, pleadings were directed to the Commission by Chronicle Publishing Co., licensee of Station KRON-TV, and Crocker Land Co., the substance of which is a request that the Commission reconsider its Memorandum Opinion and Order FCC 65-98 (released Feb. 11, 1965).

2. It is not deemed necessary to set out the content of the two pleadings but, in view of the filing thereof, it is appropriate that the hearing conference referred to above should be rescheduled for a later date.

Accordingly, it is ordered, This 16th day of March 1965, that the hearing conference herein now scheduled for March 31, 1965, be, and the same is, hereby rescheduled for April 30, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: March 18, 1965.

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

[F.R. Doc. 65-2957; Filed, Mar. 22, 1965; 8:48 a.m.]

[Docket Nos. 15844, 15845; FCC 65M-331]

WEPA-TV, INC. (WEPA-TV) AND JET BROADCASTING CO., INC.

Order After Prehearing Conference

In re applications of WEPA-TV, Inc. (WEPA-TV), Erie, Pa., Docket No. 15844, File No. BMPCT-5953; for modification of construction permit; The Jet Broadcasting Co., Inc., Erie, Pa., Docket No. 15845, File No. BPCT-3324; for construction permit for new television Broadcast station (Channel 24).

The Hearing Examiner having under consideration the agreements and understandings of the parties arrived at during prehearing conference held today in the above-entitled proceeding, as approved, and his own directives pertaining to the future conduct of the hearing;

It is ordered, This 17th day of March 1965, that the hearing is hereby rescheduled and will commence at 10 a.m., Tuesday, May 18, 1965, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the direct written cases of the applicants will be exchanged among counsel, with a copy of each exhibit to be provided the Examiner, by May 4; that counsel will notify each other informally by May 13 of the names of witnesses desired for cross-examination; and that the transcript of today's proceedings is incorporated herein by reference and will govern as to all other agreements, understandings and directions not specifically set forth herein.[1]

Released: March 18, 1965.

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

[F.R. Doc. 65-2958; Filed, Mar. 22, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 18, 1965.

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. 39635: *Soda ash to Nixon, Ga.* Filed by O. W. South, Jr., agent (No. A4649), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Saltville, Va., to Nixon, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 117 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 39636: *Bituminous coal to Penn, Ind.* Filed by Illinois Freight Association, agent (No. 275), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum of 1,000 tons of 2,000 pounds per shipment, from mine origins in northern Illinois, to Penn, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 107 to Illinois Freight Association, agent, tariff I.C.C. 966.

FSA No. 39637: *Petroleum and petroleum products from Eldon, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8706), for interested rail carriers. Rates on petroleum and petroleum products, in carloads and tankcar loads, from Eldon, Tex., to points in official (including Illinois), southern, southwestern, and western trunk-line territories, and points in Montana.

Grounds for relief: Market competition.

Tariffs: Supplement 130 to Southwestern Freight Bureau, agent, tariff I.C.C.

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[1] The applicants are committed to file a joint petition for approval of an agreement which looks toward the dismissal of one application and the grant of the other by not later than March 29. If this deadline is met, and the Review Board subsequently approves the agreement, this proceeding will be moot. If the agreement is not approved, all arrangements specified above, and in the transcript of the prehearing conference, are to remain in effect unless otherwise ordered. While it is contemplated that the hearing will commence May 18, only engineering data will be considered that week. Other matters will be taken up beginning on May 25.

4410, and five other schedules named in the application.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2947; Filed, Mar. 22, 1965; 8:47 a.m.]

[Notice 1142]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 18, 1965.

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-67514. By order of March 16, 1965, the Transfer Board approved the transfer to Prosperity Trucking Co., a corporation, Chicago, Ill., of Permit No. MC-13739, issued February 6, 1942, to Tony Guerrero, doing business as Prosperity Trucking Co., Chicago, Ill., authorizing the transportation of copper wire and cable, and materials, supplies, machinery, and equipment used in the manufacture thereof, over regular routes, between Chicago, Ill., and Richmond, Ind., with no service to or from intermediate points. Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641, representative for applicants.

No. MC-FC-67540. By order of March 16, 1965, the Transfer Board approved the transfer to Longyear's Express, Ltd., Hunter, N.Y., of Certificates Nos. MC-57927 (Sub-No. 2), MC-57927 (Sub-No. 3) and MC-57927 (Sub-No. 4), issued October 13, 1949, July 26, 1951 and June 17, 1957, respectively, in the name of Robert J. Gooley, doing business as Longyears Express, Hunter, N.Y., authorizing the transportation, over irregular routes, of salvaged telephone installation materials, from points in Albany, Columbia, Dutchess, Greene, Montgomery, Orange, Rensselaer, Saratoga, Schenectady, Sullivan, Ulster, Warren, and Washington Counties, N.Y., through New Jersey to New York, N.Y.; telephone supplies, telephone equipment, and telephone parts, from New York, N.Y., to points in Franklin, Clinton, Essex, Warren, Saratoga, Washington, Schenectady, Montgomery, Albany, Greene, Ulster, Orange, Rensselaer, Columbia and Dutchess, Sullivan, and Delaware Counties, N.Y.; and telephone and television cable, from Kearny, N.J., to points in Franklin, Clinton, Essex, Warren, Saratoga, Washington, Schenectady, Montgomery, Albany, Greene, Ulster, Orange, Rensselaer, Columbia, Dutchess, Sullivan, Delaware, St. Lawrence, Lewis, Oneida, Herkimer, Oswego, Wayne, Cayuga, Onondaga, Courtland, Tompkins, Chemung, Chenango, Schoharie, Otsego, Fulton, Seneca, Madison, Jefferson, Tioga, and Hamilton Counties, N.Y.; and salvaged telephone installation materials, from points in the above-named New York Counties to Tottenville, Staten Island, N.Y. John J. Fromer, Tannersville, N.Y., representative for applicants.

No. MC-FC-67596. By order of March 16, 1965, the Transfer Board approved the transfer to Mid-West Transport, Inc., Houston, Tex., of the leased operating rights claimed under the "grandfather clause" of section 206(a)(7)(B), for which a certificate of registration is sought to operate in interstate or foreign commerce to the extent described in transferor's BMC-75 statement supported by Texas Certificate No. 8043 issued to Fisher Dorsey, doing business as Patrick Transfer & Storage, and leased to G. B. Powell Truck Line, Inc., covering certain operations in the State of Texas. Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex., attorney for applicants.

No. MC-FC-67610. By order of March 16, 1965, the Transfer Board approved the transfer to Snow Valley Co., Inc., Sun Valley, Idaho, of Certificate No. MC-86627 (Sub-No. 1) issued January 11, 1960, to Union Pacific Railroad Co., a corporation, Omaha, Nebr., authorizing the transportation over regular routes of passengers and their baggage, and express in the same vehicle with passengers, between Shoshone, Idaho, and Sun Valley, Idaho, serving the intermediate point of Ketchum, Idaho, restricted to traffic moving to and from Sun Valley; passengers and their baggage, between Sun Valley, Idaho, and Boise, Idaho, serving the intermediatte points of Hailey and Gooding, Idaho, restricted to traffic moving to and from Sun Valley; and, between Sun Valley, Idaho, and Idaho Falls, Idaho, serving the intermediate points of Hailey, Jerome, Twin Falls, Burley, and Pocatello, Idaho, restricted to traffic moving to or from Sun Valley. F. J. Melia, Western General Counsel, 1416 Dodge Street, Omaha, Nebr., 68102, representative for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2948; Filed, Mar. 22, 1965; 8:47 a.m.]

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