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[Reg. Docket No. 6649; Amdt. 430]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR Standard Instrument Approach Procedure

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Windsor VOR	QG LFR (final)	Direct	1700	T-dn*	500-1	500-1	500-1
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				Following minimums apply if aircraft equipped with dual low-frequency capability and Peach Int received:			
				C-dn	600-1	600-1	600-1½

Procedure turn E side of crs, 142 Outbnd, 322 Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, QG LFR to airport, 327°—7.9 miles; Peach Int to airport, 327°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing QG LFR or 4.3 miles after passing Peach Int, climb to 2700' and proceed direct to MDS RBn or, when directed by ATC, (1) make right-climbing turn to 2000' and return to QG LFR or (2) make right climbing turn to 3000' and proceed direct to QG VOR.
Air Carrier Note: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: N-2000'; E-1900'; S-2400'; W-2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., SBRAZ (Windsor LFR); Ident., QG; Procedure No. 1, Amdt. 12; Eff. Date, 19 June 65; Sup. Amdt. No. 11; Dated, 20 Mar. 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF Standard Instrument Approach Procedure

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d*	2300-2	2300-2	2300-2
				T-n	NA	NA	NA
				C-d	2300-2	2300-2	2300-2
				C-n	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 5000' within 10 miles (nonstandard to avoid high terrain to the W).
Minimum altitude over facility on final approach crs, 3500'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile of BML RBn, make a right-climbing turn to 5000' on crs of 351° within 10 miles of BML RBn. Hold N of BML RBn, 171° Inbnd, 1-minute left turns.
Notes: (1) Facility must be monitored aurally during this procedure. (2) Facility owned and operated by the State of New Hampshire.
Shuttle: From 6700' to 5000' on crs of 351° from facility within 10 miles, 171° Inbnd. All turns to the E.
*IFR climbout procedure: Climb N of facility, shuttle to 6700' on crs of 351° within 10 miles of BML RBn, 171° Inbnd, all turns to the E.
Other change: Deletes transition from Cascade Int and air carrier note.
MSA within 25 miles of facility: 090°-180°—5200'; 180°-270°—7400'; 270°-090°—4800'.

City, Berlin; State, N.H.; Airport name, Berlin Municipal; Elev., 1158'; Fac. Class., HW; Ident., BML; Procedure No. 1, Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 7 Oct. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Denver VOR	LOM	Direct	7000	T-dn*	300-1	300-1	300-1
Strasburg Int	LOM	Direct	7000	C-dn	500-1	500-1	500-1½
Kiowa VOR	Watkins Int	Direct	7500	S-dn-26L/R	500-1	500-1	500-1
Watkins Int	LOM (final)	Direct	7000	A-dn	800-2	800-2	800-2
Broomfield Int	LOM	Direct	7000				
Englewood (EGW) RBn	LOM	Direct	7000				
Franktown Int	LOM	Direct	7500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 7000'.
Crs and distance, facility to airport, 256°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 7000' on 345° bearing from DE LOM within 20 miles or, when directed by ATC, turn right, climb to 7000' direct to DEN VOR.
*Westbound (193° through 320°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331'; Fac. Class., LOM; Ident., DE; Procedure No. 1, Amdt. 27; Eff. Date, 19 June 65; Sup. Amdt. No. 26; Dated, 26 Oct. 63

QG LFR	MDS RBn	Direct	2700	T-dn*	500-1	500-1	500-1
QG VOR	MDS RBn	Direct	2700	C-dn	600-1	600-1	600-1½
PTK VOR	MDS RBn	Direct	2700	S-dn-15	600-1	600-1	600-1
SVM VOR	MDS RBn	Direct	2700	A-dn	800-2	800-2	800-2
Troy Int	MDS RBn (final)	Direct	2400				

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 146°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing MDS RBn, climb to 2000' and proceed direct to QG LFR or, when directed by ATC, (1) climb to 2000' and proceed direct to QG VOR or (2) make left-climbing turn to 2700' and proceed to Oak Int via QG VOR R-323.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: 000°-090°—1800'; 090°-180°—2300'; 180°-270°—2700'; 270°-360°—2600'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., MHW; Ident., MDS; Procedure No. 1, Amdt. 7; Eff. Date, 19 June 65; Sup. Amdt. No. 6; Dated, 20 Mar. 65

				T-d*	500-1	500-1	NA
				T-n#	1000-2	1000-2	NA
				C-d	1000-1½	1000-1½	NA
				C-n#	1500-2	1500-2	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 263° Outbnd, 083° Inbnd, 3500' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 083°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LCI RBn, climb straight ahead to 2000', make left-climbing turn to LCI RBn at 3500'. Hold W of LCI RBn, 083° Inbnd, 1-minute right turns.
NOTES: (1) Facility must be monitored aurally during this procedure. (2) Facility owned and operated by State of New Hampshire.
Other change: Deletes transitions and air carrier notes.
*No takeoffs on Runway 17. After takeoff from Runways 26 or 35, make right-climbing turn to intercept LCI RBn, 083° bearing, heading 263° to LCI at 2000' or above. Continue climb in holding pattern W of LCI RBn, 083° Inbnd, 1-minute right turns until reaching MEA for direction of flight. After takeoff from Runway 8, make left-climbing turn to LCI RBn at 2000' or above, continue climb in holding pattern until reaching MEA for direction of flight.
#Night operations on Runways 8-26 only. All circling to be conducted N of Runways 8-26.
MSA within 25 miles of facility: 000°-090°—5200'; 090°-180°—3400'; 180°-270°—3900'; 270°-360°—4500'.

City ,Laconia; State, N.H.; Airport name, Laconia Municipal; Elev., 582'; Fac. Class., MHW; Ident., LCI; Procedure No. 1, Amdt. 3; Eff. Date, 19 June 65; Sup. Amdt. No. 2; Dated, 16 Apr. 55

				T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn-35	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach, 1100'.
Crs and distance, facility to airport, 352°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing RBn, make right-climbing turn to MHT RBn at 2200'. Hold S of MHT RBn, 352° Inbnd, 1-minute right turns.
NOTES: (1) Facility must be monitored aurally during this procedure. (2) Facility owned and operated by the State of New Hampshire. (3) Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 480' terrain (0.75 mile E of Runway 35).
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—1800'; 180°-360°—3300'.

City, Manchester; State, N.H.; Airport name, Grenier Field (Manchester Municipal); Elev., 233'; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 11 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Arcola Int	MTO RBn	Direct	2400	T-dn	300-1	300-1	200-½
Casey Int	MTO RBn	Direct	2500	C-dn	700-1	700-1	700-1½
				S-dn-6	700-1	700-1	700-1
				A-dn*	NA	NA	NA
				The following minimums apply if Etna Int received:			
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1

Procedure turn E side of crs, 225° Outbnd, 045° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Facility on airport.
Crs and distance, Etna Int to airport, 045°—3.5 miles. Etna Int to RBn 3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MTO RBn, climb to 2300' on crs of 045°, turn right and return to MTO RBn, hold SW, Inbnd crs, 045°, right turns.
NOTE: No weather available.
NOTE: Private facility operated by Coles County Airport authority.
*Alternate minimums of 800-2 authorized for air carriers with approved weather service.

City, Mattoon-Charleston; State, Ill.; Airport name, Coles County Memorial; Elev., 721'; Fac. Class., HW; Ident., MTO (Private facility); Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 22 Feb 64

MGM VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
Benton Int	LOM (final)	Direct	1700	C-dn	400-1	500-1	500-1½
Calhoun Int	LOM	Direct	1800	S-dn-9	400-1	400-1	400-1
Swift Creek Int	LOM	Direct	1800	A-dn	800-2	800-2	800-2
Sellers Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side crs, 273° Outbnd, 093° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 093°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing MGM LOM, climb to 2000' on R-127 MGM VOR within 20 miles or, when directed by ATC, climb to 2000' on crs of 093° from MGM LOM within 15 miles.
CAUTION: Tower, 987' 8 miles E.
CAUTION NOTE: Night operation Runways 15-33 not authorized due lack of obstruction and runway lights.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2500'; 180°-270°—1600'; 270°-360°—2200'.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., LOM; Ident., MG; Procedure No. 1, Amdt. 6; Eff. Date, 19 June 65; Sup. Amdt. No. 5; Dated, 17 Apr. 65

Amboy VHF Int	LOM (final)	Direct	1600	T-dn	300-1	300-1	200-½
Chatham RBn	LOM	Direct	2000	C-dn*	600-1	600-1	600-1½
				S-dn-4	600-1	600-1	600-1
				A-dn*	800-2	800-2	800-2
				*The following minimums apply to turbojet aircraft when circling W of Runways 4-22 centerlines extended.			
				C-dn	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 217° Outbnd, 037° Inbnd, 1600' within 10 miles (nonstandard due to ATC).
Minimum altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 037°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, climb to 1000' on crs, 037° from LOM, then make left-climbing turn to 2000' direct to Chatham RBn. Hold NE Chatham RBn 2000', 1-minute right turns, Inbnd crs, 241°.
CAUTION: Building 598', 2.2 miles N of airport.
MSA within 25 miles of facility: 090°-270°—1800'; 270°-090°—2900'.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18'; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 18; Eff. Date, 19 June 65; Sup. Amdt. No. 17; Dated, 28 Mar. 64

				T-d	500-1	NA	NA
				C-d	800-1	NA	NA
				C-n	NA	NA	NA
				A-dn	NA	NA	NA

Radar transitions authorized in accordance with approved patterns of Newark approach control.
Procedure turn N side of crs, 067° Outbnd, 247° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 254°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing PNJ Radio Beacon, climb to 2000' on direct crs to Chatham RBn. Hold NE 1-minute right turns, Inbnd crs, 241°.
MSA within 25 miles of facility: 270°-180°—2900'; 180°-270°—2100'.

City, Paterson; State, N.J.; Airport name, Totowa Wayne; Elev., 185'; Fac. Class., MHW; Ident., PNJ; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 June 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ENE VOR	PW LOM	Direct	2100	T-dn	300–1	300–1	200–½
Freeport Int	PW LOM	Direct	2100	C-dn	600–1	600–1	600–1½
				S-dn-11	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 112°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Portland LOM, climb to 1000′ on crs, 112° within 10 miles of LOM, then make a right-climbing turn to PW LOM at 2100′. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—1300′; 180°–270°—2100′; 270°–360°—2000′.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev. 66′; Fac. Class., LOM; Ident., PW; Procedure No. 1, Amdt. 3; Eff. Date, 19 June 65; Sup. Amdt. No. 2; Dated, 25 Aug. 62

PIE VOR	AMP RBn	Direct	1500	T-dn*	300–1	300–1	300–1
				C-dn	700–1	700–1	700–1½
				S-dn-3	500–1	500–1	500–1
				A-dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1500′ within 10 miles. Due MacDill AFB traffic.
Minimum altitude over facility on final approach crs 1000′.
Crs and distance, facility to airport, 058°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing AMP RBn, turn left, intercept 053° bearing from AMP RBn, climbing to 1600′ within 20 miles.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) Air carrier use not authorized. Weather and communications service not available at this airport.
CAUTION: 451′ towers immediately N of airport. Unicom available.
*500–1 required for N and NW takeoffs.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—2200′; 180°–270°—1600′; 270°–360°—1600′.

City, Tampa; State, Fla.; Airport name, Peter O. Knight; Elev., 8′; Fac. Class., H-SAB; Ident., AMP; Procedure No. 1, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 27 Oct. 62

PIE VOR	LOM	Direct	1500	T-dn*	300–1	300–1	200–½
AMP RBn	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
				S-dn-18L	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 181°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, turn right, proceed direct to PIE VOR climbing to 1600′ or, when directed by ATC, climb to 1600′ on direct bearing to AMP RBn.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: 210′ radio tower, 1 mile WSW of airport.
Other change: Deletes transition from Wilson Int.
*200–½ absolute minimum for takeoff Runway 27.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—2200′; 180°–270°—1600′; 270°–360°—1300′.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Fac. Class., LOM; Ident., TP; Procedure No. 1, Amdt. 18; Eff. Date, 19 June 65; Sup. Amdt. No. 17; Dated, 22 Aug. 64

PIE VOR	AMP RBn	Direct	1500	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-36L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				If directed by ATC, aircraft will maintain 3000′ until passing AMP RBn and the following minimums will apply:			
				C-dn	800–1	800–1	800–1½

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to Runway 36L, 001°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing AMP RBn, climb to 1500′ on bearing of 001° from AMP RBn within 20 miles.
NOTE: Aircraft executing missed approach procedure may, after being reidentified, be radar controlled.
CAUTION: 210′ radio tower, 1 mile WSW of airport.
*200–½ absolute minimum for takeoff Runway 27.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—2300′; 180°–270°—1600′; 270°–360°—1600′.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Fac. Class., H-SAB; Ident., AMP; Procedure No. 2, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 22 Aug. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				A-dn	800-2	800-2	NA

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2800'.
Crs and distance, facility to airport, 050°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing PQI VORTAC, make a right-climbing turn to the PQI VORTAC at 2800'. Hold SW of the PQI VORTAC on R-230, 1-minute right turns, 050° Inbnd.
CAUTION: 825' antenna (0.8 mile NW of airport).
Other change: Deletes transitions.
MSA within 25 miles of facility: 000°-180°—3100'; 180°-270°—2700'; 270°-360°—3100'.

City, Caribou; State, Maine; Airport name, Caribou Municipal; Elev., 623'; Fac. Class., BVORTAC; Ident., PQI; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 5 Nov. 60

				T-dn%	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3
				If aircraft equipped to receive DME and Bishop DME Fix received, the following minimums are authorized:			
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	500-1½

Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 7400' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7400'.
Crs and distance, facility to airport, 201°—13.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.0 miles after passing CPR VOR, climb to 8000' on R-201 CPR VOR within 20 miles or, when directed by ATC, climb to 8000' on W crs of ILS within 10 miles of LMM.
MSA within 25 miles of facility: 000°-090°—8300'; 090°-180°—10,300'; 180°-270°—10,000'; 270°-360°—8200'.
%Southeastbound (134° through 155°) IFR departures: On V-19 cross Deer Creek Int at or above 9000'; On V-85 cross Mountain Int at or above 10,000'.

City, Casper; State, Wyo.; Airport name, Casper Air Terminal; Elev., 5348'; Fac. Class., BVORTAC; Ident., CPR; Procedure No. 1, Amdt. 6; Eff. Date, 19 June 65 or upon conversion of CPR RBn.; Sup. Amdt. No. 5; Dated, 28 Dec. 64

Windsor LFR	Windsor VOR	Direct	2000	T-dn@	500-1	500-1	500-1
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				Following minimums apply when aircraft equipped with VOR and ADF receivers and Island Int received:			
				C-dn	600-1	600-1	600-1½

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2000' within 10 miles.
Minimum altitude over QG VOR on final approach, 2000'.
Crs and distance, QG VOR to airport, 323°—12.3 miles; Island Int to airport, 323°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.3 miles after passing QG VOR, climb to 2700' on QG VOR R-323 and proceed to Oak Int or, when directed by ATC, (1) make right-climbing turn to 2000' and return to Windsor VOR or (2) make right-climbing turn to 2000' and proceed direct to QG LFR.
AIR CARRIER NOTE: Sliding scale not authorized.
@300-1 takeoff authorized Runway 33L.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 20 Mar. 65

Troy Int	Oak Int (final)	Direct	2400	T-dn*	500-1	500-1	500-1
Belle Int	Oak Int	Direct	2700	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 323° Outbnd, 143° Inbnd, 2700' within 10 miles of Oak Int.
Minimum altitude over Oak Int on final approach crs, 2400'.
Crs and distance Oak Int to airport, 143°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Oak Int, climb to 2000' and proceed direct to QG VOR or, when directed by ATC, (1) climb to 2000' and proceed direct to QG LFR or (2) make climbing left turn to 2700' and proceed to Oak Int via QG VOR R-323.
NOTE: Dual VOR required.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only. MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 20 Mar. 65

				T-dn	300-1	300-1	200-½
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport 360°—9.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing FAR VORTAC, climb to 2500' on R-360 within 20 miles or, when directed by ATC, make left-climbing turn to intercept R-281, climb to 2800' on R-281 within 20 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for straight-in approach at 2500' between R-101 clockwise to R-281 via 6-mile DME arc with the elimination of procedure turn.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-270°—2200'; 270°-360°—3200'.

City, Fargo; State, N. Dak.; Airport name, Hector Field; Elev., 900'; Fac. Class., BVORTAC; Ident., FAR; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 June 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	*300-1	*200-½
				C-dn	400-1	*500-1	*500-1½
				S-dn-33	400-1	*400-1	*400-1
				A-dn	800-2	*800-2	*800-2

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 329°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LFK VOR, turn left, climb to 2000' on R-310 within 10 miles.
Other change: Deletes note regarding areas obstruction data.
*Heavier aircraft use caution due runway load bearing ability.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1700'; 180°-270°—1800'; 270°-360°—2000'.

City, Lufkin; State, Tex.; Airport name, Angelina County; Elev., 290'; Fac. Class., BVORTAC; Ident., LFK; Procedure No. 1, Amdt. 8; Eff. Date, 19 June 65; Sup. Amdt. No. 7; Dated, 17 Oct. 64

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-35	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 337°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MHT VOR, make right-climbing turn to MHT VOR at 2200'. Hold SW of MHT VOR on R-157, 1-minute right turns, 337° Inbnd.
CAUTION: 480' terrain (0.75 mile E of Runway 35).
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—1800'; 180°-360°—3300'.

City, Manchester; State, N.H.; Airport name, Greiner Field (Manchester Municipal); Elev., 233'; Fac. Class., L-BVORTAC; Ident., MHT; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 11 Aug. 62

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side crs, 138° Outbnd, 318° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 318°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing MGM VOR, climb to 2000' on R-318 within 20 miles of MGM VOR or, when directed by ATC, turn left, climb to 2000' on W crs MGM ILS within 20 miles.
NOTES: (1) Night operation Runways 15-33 not authorized due lack of obstruction and runway lights. (2) When authorized by ATC, DME may be used from R-035 clockwise to R-150 within 15 miles at 2000' and from R-150 to R-240 within 15 miles at 2500' to position aircraft for straight-in approach with the elimination of procedure turn. (3) Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2500'; 180°-270°—2500'; 270°-360°—2000'.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., BVORTAC; Ident., MGM; Procedure No. 1, Amdt. 12; Eff. Date, 19 June 65; Sup. Amdt. No. 11; Dated, 17 Apr. 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%	2200-2	2200-2	2200-2
				C-dn	2700-2	2700-2	2700-2
				A-dn	3000-3	3000-3	3000-3

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 10,200' within 10 miles.
Minimum altitude over facility on final approach crs, 9000'.
Facility on Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ELY VOR, right turn climb to 11,000' on R-150 within 18 miles of ELY VOR. No turns authorized prior to reaching 10,500'.
%Departure procedures: Climb clear of clouds over the airport to 8500'.
MSA within 25 miles of facility: 000°-090°—13,100'; 090°-180°—14,100; 180°-270°—11,900'; 270°-360°—11,300'.

City, Ely; State, Nev.; Airport name, Ely (Yelland Field); Elev., 6255'; Fac. Class., BVOR; Ident., ELY; Procedure No. TerVOR R-286, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 28 Mar. 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
CON VOR via R-192	Page Int or 15-mile DME Fix MHT R-340 (final)	Direct	3000	T-dn	300-1	300-1	200-½
		Direct	1900	C-dn	600-1	600-1	600-1½
Page Int or 15-mile DME Fix MHT R-340	11-mile DME Fix MHT R-340 (final)	Direct	1400	S-dn-17	500-1	500-1	500-1
11-mile DME Fix MHT R-340	9-mile DME Fix MHT R-340 (final)	Direct	800	A-dn	800-2	800-2	800-2
9-mile DME Fix MHT R-340	7-mile DME Fix MHT R-340 (final)						

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 3000′ within 10 miles of Page Int.
Minimum altitude over 15-mile DME Fix on final approach crs, 3000′; over 11-mile DME Fix, 1900′; over 9-mile DME Fix, 1400′; over 7-mile DME Fix, 800′.
Crs and distance, 7-mile DME Fix to airport, 160°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.4-mile DME Fix, climb to 2200′ direct to MHT VOR. Hold SE of MHT VOR on R-157, 1-minute right turns, 337° Inbnd.
NOTE: Procedure turn not required on transition from CON VOR to Page Int at 3000′.
CAUTION: 480′ terrain (0.75 mile E of Runway 35).
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—1800′; 180°-360°—3300′.

City, Manchester; State, N.H.; Airport name, Grenier Field (Manchester Municipal); Elev., 233′; Fac. Class., L-BVORTAC; Ident., MHT; Procedure No. VOR/DME-1, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 10 Apr. 65

Hartatene Int/19-mile DME Fix R-345	OLM VOR	Direct	3000	T-dn*	300-1	300-1	200-½
Harbor Int/10.0-mile DME Fix R-345	OLM VOR (final)	Direct	900	C-dn	700-1	700-1	700-1½
Bayside Int	OLM VOR	Direct	3000	S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and DME or VOR and ADF receivers, and Budd Int is identified the following minimums apply:			
				C-dn	600-1	600-1	600-1½
				S-dn-17	600-1	600-1	600-1

Radar vectoring authorized utilizing McChord radar in accordance with approved patterns.
Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 3000′ within 15 miles.
Minimum altitude over Budd Int on final approach crs, 900′; over OLM VOR 800′.
Crs and distance, Budd Int to airport, 165°—4.7 miles; Budd Int to VOR 165°—5.0 miles OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000′ on R-173 within 15 miles of OLM VOR; or when directed by ATC, turn left, climb to 3000′ on R-345 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 20 miles at 2000′ between R-315 clockwise to R-018 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
*Takeoffs all runways: Climb on R-345 OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1500′ westbound on V-204.
MSA within 25 miles of facility: 000°-090°—2700′; 090°-180°—4900′; 180°-270°—3700′; 270°-360°—3800′.

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 206′; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 15 May 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
DEN VOR	LOM	Direct	7000	T-dn $ ##	300-1	300-1	200-½
Broomfield Int	LOM	Direct	7000	C-dn	# 400-1	500-1	500-1½
Derby Int	LOM	Direct	7000	S-dn-26L%*	200-½	200-½	200-½
Strasburg Int	LOM	Direct	7000	A-dn	600-2	600-2	600-2
Kiowa VOR	Watkins Int	Direct	7500				
Watkins Int	LOM (final)	Direct	7000				
Bennett Int	LOM	Direct	7000				
Brighton Int	LOM	Direct	7000				
Franktown Int	LOM	Direct	7500				
Englewood RBn	LOM	Direct	7000				
DEN VOR	Watkins Int	Direct	7000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of E crs, 076° Outbnd, 256° Inbnd, 7000′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 7000′.
Altitude of glide slope and distance to approach end of runway at OM, 6974′—5.5 miles; at MM, 5531′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climbing to 7000′ direct to DEN VOR or, when directed by ATC, turn right and climb to 7000′ on the 345° bearing from DE LOM.
CAUTION: 5570′ tank, 0.8 mile SE of DEN MM. 5521′ beacon, 1.5 miles S of airport.
$500-1 required for circling S of airport due to obstructions (see caution note).
*400-1 required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft with operative ALS.
%Runway visual range 2400′ also authorized for landing on Runway 26L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below 5531′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2400′ also authorized for takeoff on Runway 26L in lieu of 200-½ when 200-½ is authorized; provided that high-intensity runway lights are operational.
$Westbound (193° through 320°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-26L, Amdt. 30; Eff. Date, 19 June 65; Sup. Amdt. No. 29; Dated, 14 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LEX VOR	LE LOM	Direct	2600	T-dn	300-1	300-1	200-½
McAfee Int	LE LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Richmond Int	LE LOM	Direct	2600	S-dn-4*	300-¾	300-¾	300-¾
Chaplin Int	Keene Int	Via R-264 LEX VOR.	2500	A-dn	600-2	600-2	600-2
Keene Int	LE LOM (final)	Direct	2000				

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000' within 10 miles (nonstandard due to more favorable terrain).
Minimum altitude at glide slope Int Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—3.5 miles, at MM, 1190'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800' on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd, 042° Outbnd.
CAUTION: Glide slope point of touchdown approximately 1450' in from approach end of runway.
*400-1 required when glide slope not utilized; 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., ILS; Ident., I-LEX; Procedure No. ILS-4, Amdt. 5; Eff. Date, 19 June 65; Sup. Amdt. No. 4; Dated, 29 Feb. 64

Lexington VOR	Fayette Int	Direct	2800	T-dn	300-1	300-1	200-½
Lexington LOM	Fayette Int	Direct	2800	C-dn	500-1	500-1	500-1½
Centerville Int	Fayette Int (final)	Direct	2300	S-dn-22*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 042° Outbnd, 222° Inbnd, 2800' within 10 miles.
Back crs, no glide slope.
Minimum altitude over Fayette Int, 2300'.
Crs and distance, Fayette Int to airport, 222°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Fayette Int, climb to 2000' on SW crs ILS to Lexington LOM within 10 miles.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., ILS Ident., I-LEX; Procedure No. ILS-22 (back crs), Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 21 Mar. 64

MGM VOR	LOM	Direct	1800	T-dn##	300-1	300-1	200-½
Benton Int	LOM (final)	Direct	1700	C-dn	400-1	500-1	500-1½
Calhoun Int	LOM	Direct	1800	S-dn-9#	200-½	200-½	200-½
Swift Creek Int	LOM	Direct	1800	A-dn	600-2	600-2	600-2
Sellers Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side crs, 273° Outbnd, 093° Inbnd, 1700' within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1700'—5.1 miles; at MM, 435'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2000' on R-127 MGM VOR within 20 miles or, when directed by ATC, climb to 2000' on crs of 093° from MGM LOM within 15 miles.
CAUTION: Tower, 987'—8 miles E.
CAUTION NOTE: Night operations Runways 15-33 not authorized due to lack of obstruction and runway lights.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled. *400-¾ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#Runway visual range 2400' also authorized for landing on Runway 9; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 421' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2400' also authorized for takeoff on Runway 9 in lieu of 200-½ when 200-½ authorized providing high-intensity runway lights are operational.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt. 11; Eff. Date, 19 June 65; Sup. Amdt. No. 10; Dated, 17 Apr. 65

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-27*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 2000' until 6 miles from end of runway on final.
Minimum altitude over 6-mile Radar Fix on final approach crs, 2000'.
Crs and distance, 6-mile Radar Fix to airport 273°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing 6-mile Radar Fix, climb to 2000' on W crs of MGM ILS within 20 miles.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) MGM approach radar must be in operation for vector to final approach crs.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS-27 (back crs), Amdt. Orig.; Eff. Date, 19 June 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amboy VHF Int	LOM (final)	Direct	1600	T-dn**	300-1	300-1	200-½
Chatham RBn	LOM	Direct	2000	C-dn %	600-1	600-1	600-1½
				S-dn-4*#	200-½	200-½	200-½
				A-dn %	600-2	600-2	600-2
				%The following minimums apply to turbojet aircraft when circling W of Runways 4-22 centerlines extended.			
				C-dn	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn W side of SW crs, 217° Outbnd, 037° Inbnd, 1600' within 10 miles (nonstandard due to ATC).
Minimum altitude at glide slope interception Inbnd, 1551'.
Altitude of glide slope and distance to approach end of runway at OM, 1551'—4.9 miles; at MM, 249'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on 037° crs from LOM to interception of LGA VOR R-292, make left turn and proceed to Morristown VHF Int at 2000', hold SW 1-minute left turns Inbnd crs, 061°.
CAUTION: Building 598', 2.2 miles N of airport.
*Runway visual range 2000' also authorized for takeoff and landing on Runway 4; provided that all components of the ILS, high-intensity runway lights, approach lights condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 218' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000' also authorized for takeoff on Runway 4 in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.
#600-1 required with glide slope inoperative.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18'; Fac. Class., ILS; Ident., I-EWR; Procedure No. ILS-4, Amdt. 18; Eff. Date, 19 June 65; Sup. Amdt. No.17; Dated, 28 Mar. 64

ENE VOR	PW LOM	Direct	2100	T-dn	300-1	300-1	200-½
Freeport Int	PW LOM	Direct	2100	C-dn	600-1	600-1	600-1½
				S-dn-11*	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1740'—5.4 miles at MM, 273'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000' on crs, 112° within 10 miles, then make a right-climbing turn to PW LOM at 2100'. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.
*600-¾ required with glide slope inoperative.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66'; Fac. Class., ILS; Ident., I-PWM; Procedure No. ILS-11, Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 4 May 63

PIE VOR	LOM	Direct	1500	T-dn#%	300-1	300-1	200-½
AMP RBn	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
Wilson Int	LOM (final)	Direct	1200	S-dn-18L##	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved pattern.
Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 1400' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at LOM, 1171'—4.0 miles; at MM, 215'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right to 225°, climb to 1600' on R-080/R-260 PIE VOR within 20 miles or, when directed by ATC, climb to 1600' on S crs of ILS or 181° crs from LOM within 20 miles.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: 210' radio tower, 1 mile WSW of airport.
%200-½ absolute minimum for takeoff Runway 27.
#Runway visual range 2400' also authorized for takeoff on Runway 18L in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights are operational.
##Runway visual range 2400' also authorized for landing on Runway 18L, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below 227' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
*600-¾ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-18L, Amdt. 21; Eff. Date, 19 June 65; Sup. Amdt. No. 20; Dated, 30 Jan. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar Site	Within 20 miles	2000	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn 6	500-1	500-1	500-1½
				C-dn 2, 15, 20, 24, 33	400-1	500-1	500-1¾
				S-dn 6	500-1	500-1	500-1
				S-dn 15, 24, 33*	400-1	400-1	400-1
				S-dn-2, 20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on runway heading, proceed direct to HPW VOR. Hold NE, R-025 1-minute left turns.

*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Richmond, State, Va.; Airport name, Richard E. Byrd; Elev., 167'; Fac. Class. and Ident., Richmond Radar; Procedure No. 1, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 4 Nov. 61

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on May 12, 1965.

HARRY A. TURNPAUGH,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-5233; Filed, June 17, 1965; 8:45 a.m.]

[Docket No. 6469; Amdt. 39-86]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Model CL-44D4 Aircraft

Amendment 39-35 (30 F.R. 2134), AD 65-4-4, requires inspection and replacement or modification of the main landing gear uplock actuators on Canadair Model CL-44D4 aircraft. The manufacturer has now issued a service bulletin which pertains to this subject, therefore the AD is revised to reflect this bulletin in the parenthetical reference statement.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-35 (30 F.R. 2134), AD 65-4-4, is amended by amending the parenthetical reference statement to read as follows: "(Canadair Service Bulletin No. CL44D4-381 pertain Service Information Circular No. 336-CL44D4 and to this subject.)"

This amendment becomes effective June 18, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on June 14, 1965.

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

[F.R. Doc. 65-6383; Filed, June 17, 1965; 8:45 a.m.]

[Docket No. 6593; Amdt. 39-85]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the actuator shaft to flap gear box connecting shaft universal joints on Fairchild Model F-27 aircraft was published in 30 F.R. 5643.

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

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

FAIRCHILD. Applies to Model F-27 aircraft Serial Numbers 1 through 95.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent further malfunctions of the actuator shaft to flap gear box connecting shaft universal joints resulting in an asymmetric flap condition, accomplish the following:

Modify the actuator shaft to flap gear box connecting shaft universal joints in accordance with Fairchild Service Bulletin No. 27-35, dated June 15, 1962, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

The amendment shall become effective July 18, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on June 14, 1965.

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

[F.R. Doc. 65-6384; Filed, June 17, 1965; 8:45 a.m.]

[Docket No. 6256; Amdt. 39-84]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Model HC-12X20 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to revise Amendment 39-14, 29 F.R. 17797, AD 64-28-1, as amended by Amendment 39-53, 30 F.R. 4533, Hartzell Model HC-12X20 propellers equipped with C-49-2B and C-

49–2C hub spiders, by amending the applicability provision of the directive to include hub spiders with Serial Numbers 4220 through 5400 was published in 30 F.R. 5532.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–14, 29 F.R. 17797, AD 64–28–1, as amended by Amendment 39–53, 30 F.R. 4533, is further amended by changing the applicability statement to read:

Applies to Models HC–12X20–1, –2, –3, –5, and –7B propellers equipped with C–49–2B and C–49–2C hub spiders having Serial Numbers 4220 through 5400 installed on Downer (Republic) RC–3; Navion, Navion A; and Grumman G–44 Series aircraft.

This amendment becomes effective July 18, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C. on June 14, 1965.

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

[F.R. Doc. 65–6385; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–1]

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

Designation of Control Zone

On pages 3452 and 3453 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a part-time control zone for Hazleton Airport, Hazleton, Pa.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y. on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 so as to designate a Hazleton, Pa., control zone described as follows:

HAZLETON, PA.

Within a 5-mile radius of the center, 40°59'11" N., 75°59'38" W. of Hazleton Airport, Hazleton, Pa.; within 2 miles each side of the Hazleton VOR 263° and 083° radials extending from the 5-mile radius zone to 6 miles W of the VOR and within 2 miles each side of the 076° and 276° bearings from the Hazleton RBN extending from the 5-mile radius zone to 6 miles E of the RBN. This control zone is effective from 0700–2000 hours Monday thru Friday, 0700–1700 hours Saturday and 0900–2000 hours Sunday, local time.

[F.R. Doc. 65–6386; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–4]

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

Alteration of Control Zone

On page 3453 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Findlay, Ohio, control zone to provide an additional extension premised on the 248° bearing of the Findlay RBN.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Findlay, Ohio, control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 41°00'55" N., 83°40'15" W. of Findlay Airport, Findlay, Ohio, excluding the portion within a 1-mile radius of the center, 40°57'40" N., 83°35'45" W. of Lutz Airport, Findlay, Ohio; within 2 miles each side of the Findlay VOR 046° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Findlay RBN 178° bearing extending from the 5-mile radius zone to 8 miles S of the RBN; and within 2 miles each side of the Findlay RBN 248° bearing extending from the 5-mile radius zone to 8 miles SW of the RBN.

[F.R. Doc. 65–6387; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–11]

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

Revocation of Control Area Extensions and Transition Area; Alteration of Control Zone; Designation of Control Zone and Transition Areas

On pages 1257 and 1258 of the FEDERAL REGISTER for February 5, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Evansville, Ind., and Owensboro, Ky., control area extensions, and the Samsville, Ill., transition area; revoke the Evansville control zone extension; designate a part-time control zone for Owensboro-Daviess County Airport, Owensboro, Ky., designate a 700-foot transition area over Dress Memorial Airport, Evansville, Ind.; Henderson Airport, Henderson, Ky.; Owensboro-Daviess County Airport; Madisonville Airport, Madisonville, Ky.; and a 1,200-foot transition area for Evansville, Ind.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Item 4 in the last line of the text material, delete the phrase "2300 c.s.t. daily" and insert in lieu thereof "2200 local time daily."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 13, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 Evansville, Ind., by deletion of the Evansville, Ind., control area extension.

2. Amend § 71.165 of Part 71 Owensboro, Ky., by deletion of the Owensboro, Ky., control area extension.

3. Amend § 71.171 of Part 71 Evansville, Ind., by deleting all words after "* * * Dress Memorial Airport, Evansville, Ind.," and inserting after the aforesaid words the following geographical position, "38°02'13" N., 87°31'58" W.".

4. Amend § 71.171 of Part 71 by establishing an Owensboro, Ky., control zone described as follows:

OWENSBORO, KY.

Within a 5-mile radius of the center of Owensboro-Daviess County Airport, Owensboro, Ky., 37°44'32" N., 87°09'57" W. and within 2 miles each side of the Owensboro VOR 184° radial extending southerly from the 5-mile radius zone for 8 miles from the VOR; within 2 miles each side of the Owensboro VOR 222° radial extending southwesterly from the 5-mile radius zone for 8 miles, from the VOR, said control zone effective 0600 to 2200 local time daily.

5. Amend § 71.181 of Part 71 by designating an Evansville, Ind., transition area described as follows:

EVANSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Dress Memorial Airport, Evansville, Ind., 38°02'13" N., 87°31'58" W. and within 2 miles each side of the Evansville VOR 060° radial extending easterly from the 7-mile radius area to the VOR and within 8 miles NW and 5 miles SE of the ILS localizer NE course extending northeasterly from the OM for 12 miles.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 38°57'00" N., 86°30'00" W. to 37°26'00" N., 86°30'00" W. to 37°17'50" N., 87°18'00" W. to 37°12'50" N., 87°39'30" W. to 37°30'00" N., 88°30'00" W. to 38°39'00" N., 88°30'00" W. to 38°39'00" N., 88°00'00" W. to 38°57'00" N., 88°00'00" W. to point of beginning, excluding the portion which coincides with the Harrisburg, Ill., transition area.

6. Amend § 71.181 of Part 71 by designating a Henderson, Ky., transition area described as follows:

HENDERSON, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°47'30" N., 87°40'50" W., of

Henderson Airport, Henderson, Ky., within 2 miles each side of the Evansville VOR 152° radial extending from the 5-mile radius to the VOR, said area effective sunrise to sunset daily, excluding the portion which coincides with the Evansville 700-foot transition area.

7. Amend § 71.181 of Part 71 by designating a Madisonville, Ky., transition area described as follows:

MADISONVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°21'17" N., 87°24'02" W. of Madisonville Airport, Madisonville, Ky., and within 2 miles each side of the Central City VOR 256° radial extending from the 5-mile radius area to the VOR, said area effective from sunrise to sunset daily.

8. Amend § 71.181 of Part 71 by designating an Owensboro, Ky., transition area described as follows:

OWENSBORO, KY.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°44'32" N., 87°09'57" W. of the Owensboro-Daviess County Airport, Owensboro, Ky., and within 5 miles NW and 8 miles SE of the Owensboro VOR 222° radial extending southwesterly from the VOR for 12 miles and within 5 miles W and 8 miles E of the Owensboro VOR 184° radial extending southerly from the VOR for 12 miles.

9. Amend § 71.181 of Part 71 by deleting the Samsville, Ill., transition area.

[F.R. Doc. 65-6388; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-18]

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

Alteration of Control Zone and Designation of Transition Areas

On page 3713 of the FEDERAL REGISTER for March 20, 1965, the Federal Aviation Agency published proposed regulations which would alter the Watertown, N.Y., control zone, designate a 700-foot transition area over Watertown Municipal Airport, Watertown, N.Y., and establish a 1,200-foot Watertown, N.Y., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Watertown, N.Y., control zone and insert in lieu thereof:

That airspace within a 5-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N.Y., and within 2 miles each side of the Watertown VOR 214° radial extending from the 5-mile radius to 6 miles SW of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Watertown, N.Y., transition area described as follows:

WATERTOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N.Y., and within 2 miles each side of the Watertown, N.Y., VOR 214° radial extending from the 7-mile radius to 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

[F.R. Doc. 65-6389; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-26]

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

Revocation of Control Area Extension and Transition Areas; Alteration of Control Zones; Designation and Alteration of Transition Areas

On pages 1120, 1121, and 1122 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Philipsburg, Pa., control area extension, the Slate Run, Pa., Stonyfork, Pa., Williamsport, Pa., transition areas, and alter the control zones of Philipsburg, Pa., Wilkes-Barre, Pa., and Williamsport, Pa. They would also designate a 700-foot transition area over Mid-State Airport, Philipsburg, Pa., University Park Airport, State College, Pa., Williamsport-Lycoming County Airport, Williamsport, Pa., Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., Hazleton Airport, Hazleton, Pa., and Mount Pocono Airport, Mount Pocono, Pa. A 1,200-foot Wilkes-Barre, Pa., transition area would also be designated.

Since the proposed regulations were promulgated, it has been determined that the Agency will decommission the Williamsport LFR and Hughesville RBN with cancellation of the associated instrument approach procedures.

It was noted after promulgation of the notice that the effect of revoking the Williamsport transition area and establishing such an area over the Williamsport-Lycoming County Airport, Williamsport, Pa., actually resulted in an alteration to the transition area. However, this result requires a rewording of Item 8 of the notice.

These changes to the proposed regulations are less restrictive in nature and therefore the public interest does not require the 30-day notice for these changes.

Interested parties were given 45 days after publication in which to submit written data or views. No objection to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Item 3 delete the text material and insert in lieu thereof new text material.

2. In Item 8 delete all the material therein and insert in lieu thereof new material.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 18, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Philipsburg, Pa., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Wilkes-Barre, Pa., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center 41°-20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., and within 2 miles each side of the airport ILS localizer SW course extending SW from the 5-mile radius zone for 2 miles SW of the OM.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center, 41°-14'30" N., 76°55'20" W., of Williamsport-Lycoming County Airport, Williamsport, Pa.; within 2 miles each side of the Williamsport ILS localizer E course extending from the 5-mile radius zone to the Picture Rocks RBN; within 2 miles each side of the centerline of Runway 12 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the centerline of Runway 27 extended from the 5-mile radius zone to 10.5 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 7 miles NW of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5.5 miles NW of the end of the runway.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philipsburg, Pa., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center 40°-53'05" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 247° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 162° bearing from the Philipsburg RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the 333° bearing from the Philipsburg VHF/DF station extending from the 5-mile radius zone to 6 miles NW of the station.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Wilkes-Barre, Pa., 700- and 1,200-foot transition area described as follows:

WILKES-BARRE, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., within 2 miles each side of the airport ILS localizer SW course extending from the 12-mile radius area for 7 miles.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°28'30" N., 75°29'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 41°31'00" N., 75°07'00" W. to 40°56'16" N., 75°11'04" W. to 41°00'00" N., 75°15'00" W. to 41°00'00" N., 75°45'00" W. to 40°55'20" N., 76°43'00" W. to 40°48'20" N., 76°41'30" W. to 40°47'27" N., 76°53'04" W. to 40°36'00" N., 77°55'00" W. to 40°44'06" N., 78°19'53" W. to 40°55'00" N., 78°28'00" W. to 40°55'00" N., 78°38'00" W. to 41°00'00" N., 78°35'20" W. to 41°38'00" N., 78°13'00" W. to 41°55'30" N., 78°10'00" W. to 41°55'00" N., 77°58'00" W. to 41°52'30" N., 77°33'15" W. to 41°48'40" N., 77°33'40" W. to 41°45'05" N., 77°01'05" W. to 41°39'30" N., 77°02'20" W. to point of beginning.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Mount Pocono, Pa., 700-foot transition area described as follows:

MOUNT POCONO, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 003° bearing from the Tobyhanna RBN extending from the 7-mile radius area for 8 miles N of the RBN.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Hazleton, Pa., 700-foot transition area described as follows:

HAZLETON, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°59'11" N., 75°59'38" W. of Hazleton Airport, Hazleton, Pa., within 2 miles each side of the 076° bearing from the Hazleton RBN extending from the 7-mile radius area to 8 miles E of the RBN and within 2 miles each side of the Hazleton VOR 263° radial extending from the 7-mile radius area to 8 miles W of the VOR.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa., transition area and insert in lieu thereof the following description:

WILLIAMSPORT, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°14'30" N., 76°55'20" W., of the Williamsport-Lycoming County Airport, Williamsport, Pa.; within 5 miles N and 8 miles S of the Williamsport ILS localizer E course extending from the 12-mile radius area to 12 miles E of the Picture Rocks RBN; and within 2 miles each side of the centerline of Runway 27 extended from the 12-mile radius area to 14 miles W of the end of the runway.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot Philipsburg, Pa., transition area described as follows:

PHILIPSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 40°53'05" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 067° radial extending from the 10-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the 342° bearing from the Philipsburg RBN extending from the 10-mile radius area to 8 miles NW of the RBN,

10. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot State College, Pa., transition area described as follows:

STATE COLLEGE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51'35" N., 77°50'59" W., of University Park Airport, State College, Pa., excluding that portion which coincides with Philipsburg, Pa., transition area.

11. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the Williamsport, Pa., Stonyfork, Pa., and Slate Run, Pa., transition areas.

[F.R. Doc. 65-6390; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-38]

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

Alteration of Control Zone

The Federal Aviation Agency is amending § 71.171 of Part 71 of the Federal Aviation Regulations which would alter the Blackstone, Va., control zone (29 F.R. 17587) so as to restrict the effective time of duration from 24 hours daily to a period from 0600 to 2200 hours local time.

The proposed alteration of the control zone is required due to the reduction in weather service provided by the Blackstone FSS to a 16 hour schedule. On the basis of the revised weather service the control zone requires alteration to coincide with hours of weather service.

In view of the fact that the change in the control zone is less restrictive in nature than the existing rule, the public interest does not require the necessary 30 days notice.

In view of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended effective July 22, 1965, as follows:

1. Amend § 71.171 of Part 71 of Federal Aviation Regulations, so as to add the sentence "This control zone is effective from 0600 to 2000 hours local time." to the present text material.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-6391; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-57]

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

Alteration of Control Zone, Designation of Transition Areas, and Revocation of Control Area Extension

On pages 1123 and 1124 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Toledo, Ohio, control area extension; designate a 700-foot transition area over Toledo Express Airport, Toledo, Ohio; Progess Field, Fremont, Ohio; Bryan-Defiance Memorial Airport, Defiance, Ohio, and a part-time 700-foot transition area over Toledo Municipal Airport, Toledo, Ohio; and University Airport, Bowling Green, Ohio; designate a 1,200-foot transition area for the Toledo, Ohio, terminal complex and alter the Toledo, Ohio, control zone.

Interested parties were given 45 days after publication of the proposed regulations to submit written views and data. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Toledo, Ohio control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Toledo, Ohio control zone and substituting in lieu thereof as follows:

TOLEDO, OHIO

Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot Toledo, Ohio transition area described as follows:

TOLEDO, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of the Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the Waterville VOR 318° radial extending from the 7-mile radius area to the VOR; within 5 miles N and 8 miles S of the airport ILS localizer SW course extending SW from the OM for 12 miles; within 2 miles N and 3 miles S of the airport ILS localizer NE course extending NE from the 7-mile radius area for 9 miles from the localizer.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°44'00" N., 84°28'00" W. to 41°41'00" N., 84°16'00" W. to 41°45'05" N., 84°11'45" W. to 41°45'30" N., 83°19'45" W. to 41°50'39" N., 83°08'47" W. to 41°35'41" N., 82°54'24" W. to 41°30'00" N., 82°52'00" W. then counterclockwise along an arc with a radius of 12 miles from Griffin-Sandusky Airport (41°26'00" N., 82°39'00" W.) to 41°18'30" N., 82°49'30" W. to 41°14'00" N., 82°57'00" W., 41°11'00" N., 83°19'00" W. to 41°18'00" N., 84°07'00" W. to 41°00'00" N., 84°02'15" W. to 41°00'00" N., 84°40'00" W. to

41°21'00" N., 84°40'00" W. to 41°32'00" N., 84°31'00" W. to point of beginning.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a part time Waterville, Ohio, 700-foot transition area described as follows:

WATERVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Toledo Municipal Airport, Toledo, Ohio, 41°33'50" N., 83°28'50" W.; within a 4-mile radius of the center of University Airport, Bowling Green, Ohio, 41°23'-17" N., 83°38'02" W.; within 2 miles each side of the Waterville VOR 047° radial extending the 5-mile radius area to the VOR; and within 2 miles each side of the Waterville VOR 356° radial extending from the 4-mile radius area to the VOR, excluding that area that coincides with the Toledo, Ohio, transition area. The transition area shall be in effect from sunrise to sunset.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Fremont, Ohio, 700-foot transition area described as follows:

FREMONT, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Progress Field, Fremont, Ohio, 41°19'59" N., 83°09'46" W. and within 2 miles each side of the Fremont radio beacon 198° bearing extending from the 4-mile radius area for 4 miles.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Defiance, Ohio, 700-foot transition area described as follows:

DEFIANCE, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Bryan-Defiance Memorial Airport, Defiance, Ohio, 41°20'30" N., 84°25'-30" W. and within 2 miles each side of the Defiance RBN 299° bearing extending NW from the 4-mile radius area for 4 miles.

[F.R. Doc. 65-6392; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-59]

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

Alteration of Control Zone and Designation of Transition Areas

On page 1124 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the London, Ky., control zone, designate a 700-foot transition area over the London Airport (since renamed Corbin-London Memorial Airport), London, Ky. and a 1,200-foot transition area for the London, Ky. terminal area.

Interested parties were given 45 days in which to submit written views or data. No objection to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965, except as follows:

1. In items 1 and 2 delete reference to the "London Airport" and insert in lieu thereof the name "Corbin-London Memorial Airport."

(Sec. 307(a), Federal Aviation Act 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the London, Ky., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending SW from the 5-mile radius zone for 5 miles.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot London, Ky., transition area described as follows:

LONDON, KY.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending from the 8-mile radius area to 8 miles SW of the VOR.

That airspace extending upward from 1200 feet above the surface bounded by a line beginning at 36°50'00" N., 84°18'00" W. to 37°13'00" N., 84°18'00" W. to 37°13'00" N., 83°52'00" W. to 36°50'00" N., 83°52'00" W. to the point of beginning.

[F.R. Doc. 65-6393; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-64]

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

Alteration of Control Zone and Designation of Transition Areas

On page 1125 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Roanoke, Va., control zone, designate a 700-foot transition area over Roanoke Municipal (Woodrum) Airport, Roanoke, Va.; Ingalls Field, Hot Springs, Va., and Greenbrier Airport, White Sulphur Springs, W. Va.; designate a 1200-foot Roanoke, Va., transition area.

Interested parties were given 45 days after publication of the proposed regulations in which to submit written data or views. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Item 1 delete the reference to "SSE" and insert in lieu thereof "S".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Roanoke, Va., control zone and inserting in lieu thereof the following:

ROANOKE, VA.

Within a 5-mile radius of the center 37°19'30" N., 79°58'35" W., of Roanoke Municipal (Woodrum) Airport, Roanoke, Va.; within 2 miles each side of the Woodrum VOR 122° radial extending SE from the 5-mile radius zone for 3 miles; within 2 miles each side of the Woodrum VOR 166° radial extending S from the 5-mile radius zone for 2 miles; within 2 miles each side of the Woodrum VOR 246° radial extending SW from the 5-mile radius zone to 2 miles.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Roanoke, Va., transition area described as follows:

ROANOKE, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°19'30" N., 79°58'35" W., of Roanoke Municipal (Woodrum) Airport; within 2 miles each side of the Woodrum VOR 166° radial extending from the 7-mile radius area to the Red Hill Fan Marker; within 2 miles each side of the Woodrum VOR 246° radial extending from the 7-mile radius area for 15.5 miles SW of the VOR; within 5 miles SW and 8 miles NE of the Woodrun VOR 122° radial extending SE from the 7-mile radius for 20 miles from the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 38°14'00" N., 80°35'00" W., to 38°20'00" N., 80°15'00" W., to 38°10'00" N., 79°30'00" W., to 37°00'00" N., 79°30'00" W., to 37°00'00" N., 80°25'20" W., thence via a 15 NM arc centered at Pulaski VOR (37° 05'15" N., 80°42'47" W.) to 37°20'00" N., 80°49'00" W., to the point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot White Sulphur Springs, W. Va., transition area described as follows:

WHITE SULPHUR SPRINGS, W. VA.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 37°47'00" N., 80°20'00" W., of Greenbrier Airport, White Sulphur Springs, W. Va.; within 2 miles each side of the White Sulphur Springs VOR 043° radial extending from the 11-mile radius area to 15.5 miles NE of the VOR; and within 2 miles each side of the White Sulphur Springs VOR 154° radial extending from the 11-mile radius area to 12.5 miles SE of the VOR. This transition area shall be in effect from sunrise to sunset.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Hot Springs, Va., transition area described as follows:

HOT SPRINGS, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°57'00" N., 79°49'00" W., of Ingalls Field, Hot Springs, Va., and within 2 miles each side of the Hot Springs RBN 056° bearing extending from the 6-mile radius area to 8 miles NE of the RBN.

[F.R. Doc. 65-6394; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-65]

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

Alteration of Control Zone and Designation of Transition Areas

On pages 1125 and 1126 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Lynchburg, Va., control zone, designate a 700-foot transition area over the Lynchburg-Preston Glenn Airport, Lynchburg Va., and a 1200-foot Lynchburg, Va., transition area.

Interested parties were given 45 days after publication of the proposed regulations in which to submit written data or views. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Agency Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N. Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Lynchburg, Va., control zone and substituting in lieu thereof the following:

Within a 5-mile radius of the center 37°-19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va., excluding the airspace within 1-mile radius of the center 37°22'00" N., 79°07'00" W., of Falwell Airport, Lynchburg, Va., and within 2 miles each side of the ILS localizer SW course extending SW from the 5-mile radius zone for 1 mile.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Lynchburg, Va., 700- and 1,200-foot transition area described as follows:

LYNCHBURG, VA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va.; within 2 miles each side of the airport ILS localizer SW course extending from the 8-mile radius area to the Evington RBN; within 2 miles each side of the Lynchburg VORTAC 201° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC, within 2 miles each side of the Lynchburg VORTAC 076° radial extending from the 8-mile radius area to 11 miles E of the VORTAC.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°40'00" N., 79°30'00" W., to 37°40'00" N., 78°14'30" W., to 37°00'00" N., 78°38'00" W., to 37°00'00" N., 79°30'00" W., to the point of beginning.

[F.R. Doc. 65-6395; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-68]

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

Alteration of Control Zone and Designation of Transition Areas

On pages 2106 and 2107 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Bridgeport, Conn., control zone (29 F.R. 1107) and designate a 700-foot transition area over Bridgeport Municipal Airport, Bridgeport, Conn., and Tweed-New Haven Airport, New Haven, Conn., and a 1200-foot transition area for the Bridgeport, Conn., terminal area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bridgeport, Conn., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center 41°-09'41" N., 73°07'35" W., of Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 036° and 229° radials, extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot Bridgeport, Conn., transition area described as follows:

BRIDGEPORT, CONN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°09'41" N., 73°07'35" W., of the Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 229° radial extending SW from the 7-mile radius area for 1 mile; within a 7-mile radius of the center 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 5 miles W and 8 miles E of the New Haven VOR 192° radial extending from the New Haven VOR for 12 miles; within 5 miles E and 5 miles W of the Hartford, Conn., VOR 223° radial extending NE from the Bridgeport 7-mile radius area for 24 miles; within 5 miles E and 5 miles W of the Poughkeepsie, N.Y., VOR 149° radial extending NW from the Bridgeport 7-mile radius area for 11 miles, within 5 miles N and 5 miles S of the Carmel, N.Y., VOR 065° radial extending from the Carmel VOR to 17 miles NE of the VOR; within 5 miles N and 5 miles S of the Carmel VOR 098° radial extending from the Carmel VOR to 28 miles E of the VOR, excluding those portions that coincide with the White Plains, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°30'00" W. to 41°31'00" N., 73°20'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 72°46'00" W. to 41°18'00" N., 72°30'30" W. to 41°00'00" N., 72°45'00" W. to 41°00'00" N., 73°33'00" W. to 41°10'00" N., 73°33'00" W. to 41°20'00" N., 73°23'00" W. to 41°25'00" N., 73°30'00" W. to point of beginning.

[F.R. Doc. 65-6396; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-70]

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

Alteration of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extension and Transition Area

On pages 3713 and 3714 of the FEDERAL REGISTER for March 20, 1965, the Federal Aviation Agency published proposed regulations which would alter the Johnstown, Pa., and Martinsburg, Pa., control zones; designate 700-foot transition areas over the Johnstown-Cambria County Airport, Johnstown, Pa., Blair County Airport, Martinsburg, Pa., Indiana County Jimmy Stewart Field, Indiana, Pa., Westmoreland-Latrobe Airport, Latrobe, Pa., and Cumberland Municipal Airport, Cumberland, Md.; designate a 1,200-foot Johnstown, Pa., transition area; revoke the Altoona, Pa., control area extension and St. Thomas, Pa., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965, except as follows:

1. Under Item 2 at the end of the text material, add the phrase "and during specific dates and times established in advance by a Notice to Airmen."

2. In Item 8 of the text material, line 6, delete the figures "093°" and insert in lieu thereof the figures "091°."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Altoona, Pa., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Johnstown, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°18'55" N., 78°50'00" W., of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 044° radial extending from the 5-mile radius zone to 7 miles NE of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 215° radial extending from the 5-mile radius zone to 7 miles SW of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 320° radial extending from the 5-mile radius zone to 6 miles NW of the Johnstown VOR effective from 0700 to 2100 hours, e.s.t., daily and during specific dates and times established in advance by a Notice to Airmen.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Martinsburg, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°-17'50" N., 78°19'10" W., of Blair County Airport, Martinsburg, Pa.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Johnstown, Pa., transition area described as follows:

JOHNSTOWN, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°18'55" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 320° radial extending from the 7-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the Johnstown VOR 044° radial extending from the 7-mile radius area to 8 miles NE of the VOR; and within 5 miles NW and 8 miles SE of the Johnstown 215° radial extending from the VOR to 12 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°33'00" N., 79°32'00" W., to 40°-55'00" N., 78°38'00" W. to 40°55'00" N., 78°-28'00" W. to 40°44'06" N., 78°19'53" W. to 40°36'00" N., 77°55'00" W. to 40°10'00 N., 77°55'00" W. to 40°10'00" N., 77°37'00" W. to 39°50'00" N., 77°22'00" W. to 39°50'00" N., 77°47'00" W. to 39°30'00" N., 78°30'00" W. to 39°30'00" N., 78°58'00" W. to 39°25'-00" N., 78°58'00" W. to 39°25'00" N., 79°20'-00" W. to 40°02'00" N., 79°51'30" W. thence counterclockwise along a 37-mile arc of the Imperial, Pa., VOR to the point of beginning.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Martinsburg, Pa., transition area described as follows:

MARTINSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°17'50" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Latrobe, Pa., transition area described as follows:

LATROBE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°16'35" N., 79°23'56" W. of Westmoreland-Latrobe Airport, Latrobe, Pa., and within 2 miles each side of the Latrobe VOR 014° radial extending from the 5-mile radius area to 8 miles N of the VOR.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Cumberland, Md., transition area described as follows:

CUMBERLAND, MD.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°36'56" N., 78°45'51" W. of Cumberland Municipal Airport, Cumberland, Md., and within 6 miles E and 5 miles W of the Cumberland RBN 019° bearing, extending from the 7-mile radius area to 11 miles N of the RBN.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Indiana, Pa., transition area described as follows:

INDIANA, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°37'57" N., 79°06'18" W. of Indiana County Jimmy Stewart Airport, Indiana, Pa., and within 2 miles each side of the 091° bearing from the Indiana RBN extending from the 6-mile radius area to 7 miles E of the RBN.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the St. Thomas, Pa., transition area.

[F.R. Doc. 65-6397; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-73]

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

Alteration of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extensions

On pages 2107 and 2108 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Bowling Green, Ky., and Paducah, Ky., control zones, designate a 700-foot transition area over Bowling Green-Warren County Airport, Bowling Green, Ky., and Barkley Field, Paducah, Ky.; revoke the control area extensions of Bowling Green, Ky., and Paducah, Ky., Twelve-hundred foot Bowling Green and Paducah, Ky., transition areas will also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N. Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Bowling Green and Paducah, Ky., control area extensions.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bowling Green, Ky., control zone and inserting in lieu thereof the following:

Within a 4-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky.; and within 2 miles each side of the Bowling Green VOR 206° radial extending from the 4-mile radius zone to 6.5 miles SW of the VOR.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Paducah, Ky., control zone and inserting in lieu thereof the following:

Within a 4-mile radius of the center 37°03'40" N., 88°46'20" W. of Barkley Field, Paducah, Ky.; and within 2 miles each side of the Paducah VOR 225° and 045° radials extending from the 4-mile radius zone to 1 miles SW of the VOR.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Bowling Green, Ky., transition area described as follows:

BOWLING GREEN, KY.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 36°57'55" N., 86°25'10" W. of the Bowling Green-Warren County Airport, Bowling Green, Ky.; within 2 miles each side of the Bowling Green VOR 206° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the western boundary of V-7 at 37°01'00" N. to 37°03'15" N., 87°00'00" W. to 37°04'00" N., 86°18'25" W. to 36°45'30" N., 86°18'25" W. to the intersection of 86°36'00" W. and a 36-mile arc centered at Nashville Metropolitan Airport, Nashville, Tenn., thence counterclockwise along the arc to the western boundary of V-7, to the point of beginning.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Paducah, Ky., transition area described as follows:

PADUCAH, KY.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°03'40" N., 88°46'20" W. of Barkley Field, Paducah, Ky.; within 2 miles each side of the Paducah VOR 225° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°13'25" N., 88°46'00" W. to 37°04'00" N., 88°32'00" W. to 36°44'50" N., 88°52'25" W. to 36°54'10" N., 89°06'10" W. to the point of beginning.

[F.R. Doc. 65-6398; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-78]

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

Alteration of Control Zone, Designation of Transition Areas, and Revocation of Control Area Extension

On page 2108 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Elkins, W. Va., control zone (29 F.R. 17596), designated a 700-foot transition area over Elkins-Randolph County Airport, Elkins, W. Va., and revoke the Elkins, W. Va., control area extension (29 F.R. 17563).

A 1,200-foot Elkins, W. Va., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Elkins, W. Va., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elkins, W. Va., control zone and substitute in lieu thereof the following:

ELKINS, W. VA.

Within a 5-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; and within 2 miles each side of a line bearing 037° from the Elkins Radio Range extending from the 5-mile radius zone to 8 miles NE of the range, effective sunrise to sunset.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Elkins, W. Va., transition area described as follows:

ELKINS, W. VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 2 miles each side of the Elkins VOR 098° radial extending from the 7-mile radius area to the VOR; within 5 miles each side of the Elkins VOR 070° radial extending from 11 miles E to 23 miles E of the VOR, effective sunrise to sunset.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°10'00" N., 79°55'00" W. to 39°06'00" N., 79°42'00" W. to 38°58'00" N., 79°38'00" W. to 38°46'00" N., 79°43'00" W. to 38°44'00" N., 80°00'00" W. to 38°49'00" N., 80°23'00" W. to 38°59'00" N., 80°22'00" W. to the point of beginning.

[F.R. Doc. 65-6399; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-79]

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

Designation of Transition Areas and Revocation of Control Area Extension

On page 2110 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Berlin Airport, Berlin, N.H.; and Whitefield Airport, Whitefield, N.H.; revoke the Berlin, N.H., control area extension and designate a 1,200-foot Berlin, N.H. transition area.

Interested parties were given 45 days after publication of the proposed regulations to submit written data or views. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Act 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Berlin, N.H., control area extension.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Berlin, N.H., transition area described as follows:

BERLIN, N.H.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 44°34'29" N., 71°10'35" W. of Berlin Airport, Berlin, N.H.; and within 2 miles each side of the 334° bearing from the Berlin RBN extending from the 7-mile radius area to 9 miles N of the RBN, effective sunrise to sunset.

That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°31'00" N., 70°55'00" W. to 44°29'00" N., 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N., 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°20'00" W. to 44°47'00" N., 71°28'00" W. to point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Whitefield, N.H., transition area described as follows:

WHITEFIELD, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°21'53" N., 71°33'07" W. of Whitefield, N.H., Airport; within 2 miles each side of the 248° bearing from the Whitefield, N.H., RBN extending from the 5-mile radius area to 8 miles W of the RBN, effective sunrise to sunset.

[F.R. Doc. 65-6400; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 63-EA-107]

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

Revocation of Transition Areas and Control Area Extension; Alteration of Control Zones and Designation of Transition Areas

On pages 2108 and 2109 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Elkland, Pa., Montrose, Pa., Greene, N.Y., and Watkins Glen, N.Y., transition areas; revoke the Binghamton, N.Y., and Elmira, N.Y., control area extensions; alter the Binghamton, Elmira, and Ithaca, N.Y., control zones; designate 700-foot transition areas over Chemung County Airport, Elmira, N.Y., Tompkins County Airport, Ithaca, N.Y., Broome County Airport, Binghamton, N.Y., and Wellsville Municipal Airport, Wellsville, N.Y.; establish a 1,200-foot Elmira, N.Y., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Items 2 and 7 in the text material under lines 4 and 5, respectively, delete the word "VORTAC" and insert in lieu thereof "VOR".

2. Under Item 4 in the text material, line 14 delete the phrase "excluding the area within a 1-mile radius of the Ithaca Municipal Airport."

3. In Item 6 in the text material in line 9 after the words "ILS NE insert the word "localizer".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 13, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Binghamton, N.Y., and Elmira, N.Y., control area extensions.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Binghamton, N.Y., control zone and inserting in lieu thereof the following:

BINGHAMTON, N.Y.

Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Elmira, N.Y., control zone and inserting in lieu thereof the following:

ELMIRA, N.Y.

Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Ithaca, N.Y., control zone and inserting in lieu thereof the following:

ITHACA, N.Y.

Within a 4-mile radius of the center 42°-29'25" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N.Y., within 2 miles each side of the Ithaca VOR 305° radial extending from the 4-mile radius zone to 9 miles NW of the VOR; within 2 miles each side of the Ithaca VOR 144° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR; within 2 miles each side of the Ithaca VOR 117° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR and within 2 miles each side of the Ithaca VOR 058° radial extending NE from the 4-mile radius zone to 7.5 miles NE of the VOR. This control zone is effective Monday through Friday, 0600–2300; Saturday 0600–2100; Sunday, 0900–2300 local time.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating an Ithaca, N.Y., 700-foot transition area as follows:

ITHACA, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 42°29'25" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., and within 5 miles SW and 8 miles NE of the Ithaca VOR 305° radial extending from the VOR to a point 12 miles NW, excluding that portion which overlies the Elmira, N.Y., transition area.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating an Elmira, N.Y., 700- and 1,200-foot transition area as follows:

ELMIRA, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

That airspace extending upward from 1,200 feet above the surface beginning at 42°41'-30" N., 76°23'00" W. to 42°40'00" N., 75°30'-00" W. to 42°10'00" N., to 75°25'00" W. to 41°28'30" N., 75°29'00" W., to 41°39'30" N., 77°02'20" W. to 41°45'05" N., 77°01'05" W. to 41°48'40" N., 77°33'40" W. to 41°52'30" N., 77°33'15" W. to 41°55'00" N., 77°58'00" W. to 42°32'00" N., 77°58'00" W. to 42°32'00" N., 77°36'00" W. to 42°40'00" N., 77°22'30" W. to point of beginning.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Binghamton, N.Y., 700-foot transition area as follows:

BINGHAMTON, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°-12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°–246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Binghamton RBN.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Wellsville, N.Y., 700-foot transition area as follows:

WELLSVILLE, N.Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center of Wellsville Municipal Airport, Wellsville, N.Y., 42°08'15" N., 77°58'30" W. and within 2 miles each side of the Wellsville VOR 205° radial extending from the 9-mile radius area for 8 miles from the VOR.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the Elkland, Pa., Greene, N.Y., Montrose, Pa., and Watkins Glen, N.Y., transition areas.

[F.R. Doc. 65-6401; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-1]

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

Alteration of Control Zone and Transition Area

On April 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4321) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Amarillo, Tex., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17582), the Amarillo, Tex., control zone is amended to read:

AMARILLO, TEX.

That airspace within a 5-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Municipal Airport Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

2. In § 71.181 (29 F.R. 17645) the Amarillo, Tex., transition area is amended to read as follows:

AMARILLO, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°-42'40" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°-01'00" N., longitude 101°24'00" W.; to latitude 35°58'00" N., longitude 101°13'00" W.; to latitude 35°42'00" N., longitude 100°29'-00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°23'00" N., longitude 100°50'00" W.; to latitude 35°13'-00" N., longitude 100°50'00" W.; to latitude 35°13'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°-27'00" W.; to latitude 34°40'00" N., longitude 101°36'00" W.; to latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 35°09'-00" N., longitude 102°25'00" W.; to latitude 35°32'00" N., longitude 102°09'00" W.; to latitude 35°44'00" N., longitude 102°23'00" W.; to latitude 35°54'00" N., longitude 102°-10'00" W.; to latitude 35°40'00" N., longitude 101°54'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to latitude 35°-59'00" N., longitude 101°30'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet m.s.l. within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC; excluding the portion of the transition area with a floor of 8,000 feet m.s.l. that lies within federal airways.

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

Issued in Fort Worth, Tex., on June 10, 1965.

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

[F.R. Doc. 65-6402; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-3]

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

Alteration of Control Zone

On April 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4321) stating that the Federal Aviation Agency proposed to alter the Oklahoma City, Okla. (Tinker AFB), control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17622), the Oklahoma City, Okla. (Tinker AFB), control zone is amended to read as follows:

OKLAHOMA CITY, OKLA. (TINKER AFB)

That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR; within 2 miles each side of the Tinker AFB TACAN 002° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN; and within 2 miles each side of the Tinker AFB TACAN 188° radial, extending from the 5-mile radius zone to 8.5 miles S of the TACAN.

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

Issued in Forth Worth, Tex., on June 10, 1965.

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

[F.R. Doc. 65-6403; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-WE-4]

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

Alteration of Control Zone, Revocation of Control Area Extensions and Transition Area, Designation of Transition Area

On April 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4766) stating that the Federal Aviation Agency proposed

the alteration of controlled airspace in the Portland, Oreg., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17626), the Portland, Oreg., control zone is amended to read:

PORTLAND, OREG.

Within a 5-mile radius of Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 5 miles S of the VORTAC; within 2 miles SW and 2.5 miles NE of the Portland Runway 10R ILS localizer NW course, extending from the 5-mile radius zone to 1 mile NW of the OM, and within 2 miles NE and 2.5 miles SW of the Portland Runway 28R ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM, excluding the portion within the Troutdale, Oreg., control zone.

In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

A. Portland, Oreg.

B. Newberg, Oreg.

In § 71.181 (29 F.R. 17677), the Longview, Wash., transition area is revoked.

In § 71.181 (29 F.R. 17643), the following transition area is added:

PORTLAND, OREG.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 23-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport and the airspace NW of Portland extending from the 30-mile radius area bounded on the S by latitude 45°38'00" N., on the W by longitude 123°17'00" W., and on the N by V-112; that airspace extending upward from 4,500 feet m.s.l. NW of Portland bounded on the S by V-112, on the W by longitude 123°17'00" W., on the N by latitude 46°11'00" N., and on the E by V-99, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-99, on the N by latitude 46°25'00" N., and on the E by V-287; that airspace extending upward from 6,500 feet m.s.l. W of Portland extending from the 30-mile radius area bounded on the SE by V-99, on the W by V-27, and on the N by V-112, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-287, on the N by the arc of a 40-nautical mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°-08'20" N., longitude 122°28'05" W.), and on the E by longitude 122°16'00" W.; that airspace extending upward from 8,500 feet m.s.l. NE, E, and SE of Portland within a 60-mile radius of the Portland Airport, extending from the 30-mile radius area clockwise from the Portland VORTAC 036° radial to the E boundary of V23E, excluding the airspace within Federal airways and the airspace within the arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the N by the Portland VORTAC 118° radial and on the S by the Newberg, Oreg., VORTAC 092° radial.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348))

Issued in Los Angeles, Calif., on June 10, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6404; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-2]

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

Alteration and Designation of Transition Areas

On page 3453 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the 1200-foot Ogdensburg, N.Y., transition area and add a 700-foot transition area over Ogdensburg Municipal Airport, Ogdensburg, N.Y.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 so as to delete the description of the Ogdensburg, N.Y., Transition Area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°40'52" N., 75°28'05" W. of Ogdensburg Municipal Airport, Ogdensburg, N.Y., excluding the portion over Canada; within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.

That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W. to point of beginning.

[F.R. Doc. 65-6405; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-6]

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

Designation of Transition Area

On pages 2952 and 2953 of the FEDERAL REGISTER for March 6, 1965, the Federal Aviation Agency published proposed regulations which would establish a 700-foot transition area over North Central State Airport, Smithfield, R.I.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Smithfield, R.I., transition area described as follows:

SMITHFIELD, R.I.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

[F.R. Doc. 65-6406; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-8]

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

Designation of Transition Areas

On page 2953 of the FEDERAL REGISTER for March 6, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Rhea Airport, Clarion, Pa., and a 1200-foot Clarion, Pa., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In the text material for the transition area, lines 12 and 13 delete the points "40°55'00" N., 78°28'00" W.," and insert in lieu thereof "40°57'00" N., 78°37'00" W."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 18, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Clarion, Pa., Transition Area described as follows:

CLARION, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°14'22" N., 79°25'54" W. of Rhea Airport, Clarion, Pa., and within 2 miles each side of the Clarion VOR 016° radial extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°17'00" N., 79°15'00" W. to 41°03'00" N., 79°15'00" W. to 40°57'00" N., 78°37'00" W. to 40°55'00" N., 78°38'00" W. to a point on the Imperial VOR 37-mile arc at 40°33'00" N. thence counterclockwise along this arc to 80°08'00" W. to the Clarion VOR to the point of beginning.

[F.R. Doc. 65-6407; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-14]

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

Designation of Transition Area

On pages 3453 and 3454 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Chester Airport, Chester, Conn.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Chester, Conn., Transition Area described as follows:

CHESTER, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

[F.R. Doc. 65-6408; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-62]

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

Designation of Transition Areas

On page 1126 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over New River Valley Airport, Dublin, Va., and a 1,200-foot transition area for the Dublin, Va., terminal area.

Interested parties were given 45 days in which to submit written data or views. No objection to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Dublin, Va., 700- and 1,200-foot transition area described as follows:

DUBLIN, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°08'30" N., 80°41'00" W., of New River Valley Airport, Dublin, Va.; within 2 miles each side of the Pulaski VOR 208° radial extending from the 6-mile radius area to 8 miles SW of the VOR; within 2 miles each side of a line bearing 245° from latitude 37°06'00" N., longitude 80°44'30" W., extending from 6-mile radius area to 8 miles SW of 37°06'00" N., 80°44'30" W.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°10'00" N., 80°57'00" W., to 37°10'00" N., 80°51'30" W., to 37°20'00" N., 80°49'00" W., thence clockwise along a 15-mile arc centered on the Pulaski VOR (37°-05'16" N., 80°42'43" W.) to 37°00'00" N., 80°25'20" W., to 36°46'40" N., 80°07'40" W., to 36°36'20" N., 80°06'30" W., to 36°30'00" N., 80°57'00" W., to the point of beginning.

[F.R. Doc. 65-6409; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-66]

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

Transition Area Description; Correction

On page 6579 of the FEDERAL REGISTER for May 13, 1965, the Federal Aviation Agency published a regulation to designate a 1200-foot Danville, Va., transition area. It has been determined that the description of said transition area omitted the use of a direction to proceed along the 35 mile radius arc. To eliminate any ambiguity the description will be amended to provide a counterclockwise direction.

Because the correction is of a clarifying nature the public interest does not require the 30 day notice.

The subject regulation is hereby amended as follows:

1. Under Item 2, second paragraph of the text material, insert the word "counterclockwise" after the word "thence" and before the word "along."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 20, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-6410; Filed, June 17, 1965; 8:47 a.m.]

[Airspace Docket No. 64-EA-67]

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

Designation of Transition Areas

On pages 2110 and 2111 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over and for the terminal area of Westchester County Airport, White Plains, N.Y. A 1200-foot White Plains, N.Y., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot White Plains, N.Y., transition area described as follows:

WHITE PLAINS, N.Y.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 41°16'00" N., 74°06'00" W. to 41°16'00" N., 74°00'00" W. to 41°19'00" N., 74°00'00" W. to 41°19'00" N., 73°57'00" W. to 41°27'00" N., 73°54'00" W. to 41°27'00" N., 73°47'00" W. to 41°19'00" N., 73°42'00" W. to 41°25'00" N., 73°30'00" W. to 41°20'00" N., 73°23'00" W. to 41°10'00" N., 73°33'00" W. to 41°00'00" N., 73°33'00" W. to 40°50'00" N., 73°42'00" W. to 41°01'00" N., 74°00'00" W. to 41°07'30" N., 73°57'00" W. to 41°10'30" N., 74°09'00" W. to the point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°31'00" N., 73°54'00" W. to 41°31'00" N., 73°30'00" W. to 41°25'00" N., 73°30'00" W. to 41°19'00" N., 73°42'00" W. to 41°27'00" N., 73°47'00" W. to 41°27'00" N., 73°54'00" W. to the point of beginning.

[F.R. Doc. 65-6411; Filed, June 17, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-14—INSPECTION AND ACCEPTANCE

Miscellaneous Amendments

Section 9-14.000, *Scope of part*, is revised to read as follows:

§ 9-14.000 Scope of part.

This part implements and supplements FPR 1-14 by prescribing the policies and requirements for inspection and acceptance under contracts for supplies and services, including construction contracts.

The following section is added:

§ 9-14.000-50 Policy, cost-type contractor procurement.

All of FPR 1-14 and this AECPR 9-14 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203.

§§ 9-14.101, 9-14.201 [Deleted]

Section 9-14.101, *General*, and § 9-14.201, *General*, are deleted.

The following new section is added:

§ 9-14.108 Government inspection of supplies under subcontracts.

The limitations in FPR 1-14.108 do not apply to procurements by cost-type contractors for the account of AEC.

§ 9–14.5001 [Amended]

In § 9–14.5001 *Inspection and acceptance requirements*, subparagraph (4) under paragraph (a) is deleted and paragraphs (a)(3) and (b) are revised to read as follows:

§ 9–14.5001 Inspection and acceptance requirements.

(a) * * *

(3) Instructions issued by Headquarters divisions, offices or Managers of Field Offices.

(b) The instructions referred to in subparagraph (3) of paragraph (a) of this section shall not be inconsistent with the contract or this part.

* * * * *

§ 9–14.5003 [Amended]

In § 9–14.5003 *Construction contracts*, paragraph (b) is deleted and reserved.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 11th day of June 1965.

R. J. HART,
Acting Director,
Division of Contracts.

[F.R. Doc. 65–6431; Filed, June 17, 1965; 8:48 a.m.]

PART 9–16—PROCUREMENT FORMS

Miscellaneous Amendments

Delete §§ 9–16.051 *Applicability*, and 9–16.5001 *Applicability*, and add the following:

§ 9–16.051–1 Applicability.

This part and FPR 1–16 are applicable to direct procurements of supplies, nonpersonal services, and construction.

§ 9–16.051–2 Policy, cost-type contractor procurement.

All of FPR 1–16 and this AECPR 9–16 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9–1.5203. It is recognized that the contract forms and outlines may need appropriate adaptation when used by cost-type contractors.

§ 9–16.5001 Applicability.

The AEC contract outlines set forth herein are applicable to all AEC direct procurement which is within the scope of the various categories covered by the outlines. With respect to AEC policy on cost-type contractor procurement, see § 9–16.051–2. The exchange of information between AEC Field Offices concerning adaptation of these contract outlines for subcontract purposes is authorized and encouraged.

(Sec. 161, of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 11th day of June 1965.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–6432; Filed, June 17, 1965; 8:48 a.m.]

PART 9–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Policy, Cost-Type Contractor Procurement

The following section is added:

§ 9–17.000–50 Policy, cost-type contractor procurement.

There are no provisions in FPR 1–17 or in this part which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U. S. C. 486)

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

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 10th day of June 1965.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–6433; Filed, June 17, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On February 11, 1965, there was published in the FEDERAL REGISTER (28 F.R. 1945) a notice of rule making and hearing with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters presented at the hearing and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act, the proposed amendments to the regulations are hereby adopted as so published except as indicated below:

1. The proposed amendment of §§ 201.2, 201.46, 201.58, and 201.221a, referred to in proposal 1 of the notice, is not adopted.

2. The amendment of § 201.31, referred to in proposal 2 of the notice, is changed to substitute the name "Tenderette" for "Tendercrop" preceding "Tendercrop, white seeded."

3. The amendment of § 201.31a, referred to in proposal 3 of the notice, is changed to delete the chemical names following generic or coined names given for the same substance.

4. The amendment of § 201.34(e), referred to in proposal 4 of the notice, to add a new subparagraph (8) is changed by amending the heading to read "Sorghum-sudangrass hybrids", to change the spelling of "Hydan 37" and "Hydan 38" to "Hidan 37" and "Hidan 38", and to insert in alphabetical order the variety name "Su-Graze."

5. The amendment of table 1, in § 201.46, referred to in proposal 5 of the notice, is changed by deleting the asterisks in said table.

6. The proposed amendment of paragraph (a) in § 201.47, referred to in proposal 7 of the notice, is not adopted.

7. The amendment of paragraph (a) and (a)(2) of § 201.56–2, referred to in proposal 12 of the notice, is changed by deleting the words "and/or decayed" from the last sentence of paragraph (a) and "or decay" from subdivision (iv) of paragraph (a)(2).

8. The amendment of table 2, paragraph (c) in § 201.58, referred to in proposal 15, with respect to the requirement for testing sorghum almum in column 7 is changed to read "add 'Upon the 10th day of test, clip or pierce the distal end of ungerminated seeds.'"

It does not appear that further notice of rule making or other public procedure with respect to this matter would make additional information available to this Department, and therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice of rule making and other public procedure on the amendments are unnecessary and impracticable.

The amendments of the regulations as hereby adopted shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of June 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

§ 201.31 [Amended]

1. Section 201.31 is amended by inserting in alphabetical order in the two lists of garden bean varieties the following:

Bush Blue Lake.
Executive.
Abunda.

Sprite.
VIP.
Tenderette.
Tendercrop, white seeded.

§ 201.31a [Amended]

2. Section 201.31a(c)(2) is amended by deleting the list of chemical names and inserting the following:

Aldrin, technical
Demeton
Dieldrin
p-Dimethylaminobenzenediazo sodium sulfonate
Endrin
Ethion
Heptachlor
Mercurials, all types
Parathion
Phorate
Toxaphene
O-O-Diethyl-O-(isopropyl-4-methyl-6-pyrimidyl) thiophosphate
O,O-Diethyl-S-2-(ethylthio) ethyl phosphorodithioate

§ 201.34 [Amended]

3. Section 201.34(e) is amended as follows:

a. In subparagraph (1) *Bean (Vegetable snapbeans)* insert in the list of variety names in alphabetical order the following:

Abunda.
Bountiful Canner.
Bush Blue Lake.
Gallatin No. 50.
Higrade.
Improved Higrade.
New Top Notch Golden Wax.
Slenderwhite.
Slimgreen.
Tendergreen No. 32304.

b. In subparagraph (6) under the subheading *Sorghum, hybrid* insert in the list of variety names in appropriate order the following:

388.
400B.
400C.
400E.
400F.
401.
410B.
410C.
410E.
411.
413.
Apache.
Beefbuilder T.
C–44B.
C–45.
Cheyenne.
Coastal S.
Coastal T.
Colorado 585.
Colorado 604.
Colorado 606.
Comanche.
Co-op T–700.
Crop Guard.
D–55.
Dairy D.
Double T.
Duet.
F–60.
F–65.
F–70.
FS–300R.
Ga. 609.
Ga. 615.
Gaucho.
Ho–K.
Horizon 79.
Kiowa.
KS 602.
KS 603.
KS 652.
KS 701.
Lindsey 744.
Lindsey 755.
NB 304F.
NB 305F.
NB 504.
NB 505.
OK 612.
OK 613.
OK 632.
P.A.G. 405.
P.A.G. 425.
P.A.G. 430.
P.A.G. 435.
P.A.G. 465.
P.A.G. 515.
P.A.G. 605.
P.A.F. 625.
R–106.
R–108.
R–211.
R–212.
R–214.
Raider B.
Ranger A.
Ranger B.
Redhead.
Red Raider A.
Rico.
Rocket.
Rocket A.
RS 616.
RS 619.
RS 621.
RS 622.
RS 623.
RS 624.
RS 640.
RS 681.
S–212.
S–214.
Sandfighter.
SD 252 F.
SD 441.
SD 451.
Shorty 33.
Shorty 40.
Shorty 50.
Tasco.
T–E 55.
T–E 66.
T–E 77.
T–E Goldmaker.
T–E Grainmaster.
T–E Yieldmaker.
Titan.
Titan R.
Triple T.
Ute.
WAC 700.

c. Add a new subparagraph "(8) *Sorghum-sudangrass hybrids*" together with a list of varieties as follows:

Ga-Su.
Grazer.
Grazer 21.
Grazer 22.
Grazer A.
Greenlan.
Green M.
Honey Sweet.
Hidan 37.
Hidan 38.
Hy-King-Su.
Hy-Su.
Kow Kandy.
Lindsey 77F.
NB 280S.
S–100.
Sudine.
Su-Graze.
Sweet Sioux.
SX–11.
SX–12.
T–E Grazemaster.
T–E Haygrazer.

4. Section 201.42 is amended to read as follows:

§ 201.42 Small containers.

In sampling seed in small containers that it is not practical to sample as required in § 201.41, a portion of one unopened container or one or more entire unopened containers may be taken to supply a minimum size sample, as required in § 201.43.

§ 201.46 [Amended]

5. Section 201.46 is amended as follows:

a. Delete from the second sentence of paragraph (c) the words "whole gram" and insert the words "half gram".

b. Delete Table 1—Weight of the working sample, and insert the following Table 1.

TABLE 1—WEIGHT OF WORKING SAMPLE

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED	*Grams*	*Grams*	*Number*
Alfalfa—*Medicago sativa*	5	50	500
Alfilaria—*Erodium cicutarium*	5	50	440
Alyceclover—*Alysicarpus vaginalis*	5	50	665
Bahiagrass—*Paspalum notatum:*			
Var. Pensacola	5	50	
All other vars.	7	50	305
Barley—*Hordeum vulgare*	100	500	30
Bean:			
Adzuki—*Phaseolus angularis*	200	500	11
Field—*Phaseolus vulgaris*	500	500	4
Mung—*Phaseolus aureus*	100	500	24
Beet, field—*Beta vulgaris*	50	300	55
Beet, sugar—*Beta vulgaris*	50	300	55
Beggarweed, Florida—*Desmodium tortuosum*	5	50	440
Bentgrass:			
Colonial (incl. Astoria and Highland)—*Agrostis tenuis*	½	25	12, 050–20, 000
Creeping—*Agrostis palustris*	½	25	17, 195
Velvet—*Agrostis canina*	½	25	23, 810
Bermudagrass, common—*Cynodon dactylon*	1	25	3, 940
Bermudagrass, giant—*Cynodon sp.*	1	25	2, 820
Bluegrass:			
Bulbous—*Poa bulbosa*	2	35	1, 020
Canada—*Poa compressa*	1	25	5, 500
Glaucantha—*Poa glaucantha*	1	25	
Kentucky (all vars.)—*Poa pratensis*	1	25	4, 800
Nevada—*Poa nevadensis*	1	25	2, 305
Rough—*Poa trivialis*	1	25	5, 000
Texas—*Poa arachnifera*	1	25	2, 500
Wood—*Poa nemoralis*	1	25	7, 095
Bluestem:			
Big—*Andropogon gerardi*	7	50	335
Little—*Andropogon scoparius*	5	50	560
Sand—*Andropogon hallii*	10	50	235
Yellow—*Andropogon ischaemum*	2	35	
Brome:			
Field—*Bromus arvensis*	5	50	430
Mountain—*Bromus marginatus*	20	150	140
Smooth—*Bromus inermis*	7	50	300
Broomcorn—*Sorghum vulgare* var. *technicum*	40	300	60
Buckwheat—*Fagopyrum esculentum*	50	300	45
Buffalograss—*Buchloe dactyloides:*			
(Burs)	20	300	110
(Caryopses)	3	35	740
Buffelgrass—*Pennisetum ciliare*	60	60	
(Fascicles)	5	50	460
(Caryopses)	2	35	1, 940
Burclover, California—*Medicago hispida* (in bur)	50	300	
Burclover, California—*Medicago hispida* (out of bur)	7	50	375
Burclover, spotted—*Medicago arabica* (in bur)	50	300	50
Burclover, spotted—*Medicago arabica* (out of bur)	5	50	550
Burnet, little—*Sanguisorba minor*	25	150	110
Buttonclover—*Medicago orbicularis*	7	50	325
Canarygrass—*Phalaris canariensis*	20	150	150
Canarygrass, reed—*Phalaris arundinacea*	2	35	1, 200
Carpetgrass—*Axonopus affinis*	1	25	2, 475
Castorbean—*Ricinus communis*	500	500	5
Chess, soft—*Bromus mollis*	5	50	555
Chickpea—*Cicer arietinum*	500	500	2
Clover:			
Alsike—*Trifolium hybridum*	2	35	1, 500
Berseem—*Trifolium alexandrinum*	5	50	455
Cluster—*Trifolium glomeratum*	1	25	2, 925
Crimson—*Trifolium incarnatum*	10	50	330
Kenya—*Trifolium semipilosum*	2	35	
Ladino—*Trifolium repens*	2	35	1, 935
Lappa—*Trifolium lappaceum*	2	35	150

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued	Grams	Grams	Number
Clover—Continued			
Large hop—*Trifolium procumbens (T. campestre)*	1	25	5,435
Persian—*Trifolium resupinatum*	2	35	1,415
Red—*Trifolium pratense*	3	50	600
Rose—*Trifolium hirtum*	7	50	360
Small hop (Suckling)—*Trifolium dubium*	2	35	1,950
Strawberry—*Trifolium fragiferum*	5	50	635
Sub—*Trifolium subterraneum*	25	150	120
White—*Trifolium repens*	2	35	1,500
Corn:			
Field—*Zea mays*	500	500	3
Pop—*Zea mays* var. *everta*	500	500	
Cotton—*Gossypium* spp.	300	500	8
Cowpea—*Vigna sinensis*	300	500	8
Crested dogtail—*Cynosurus cristatus*	2	35	1,900
Crotalaria:			
Lance—*Crotalaria lanceolata*	7	50	378
Showy—*Crotalaria spectabilis*	25	150	80
Slenderleaf—*Crotalaria intermedia*	10	50	305
Striped—*Crotalaria mucronata*	10	50	215
Sunn—*Crotalaria juncea*	75	500	35
Crownvetch—*Coronilla varia*	10	50	305
Dallisgrass—*Paspalum dilatatum*	4	35	590
Dichondra—*Dichondra repens*	5	50	470
Dropseed, sand—*Sporobolus cryptandrus*	½	25	11,925
Emmer—*Triticum dicoccum*	100	500	25
Fescue:			
Chewings—*Festuca rubra* var. *commutata*	2	35	1,300
Hair—*Festuca capillata*	1	25	3,200
Hard—*Festuca ovina* var. *duriuscula*	2	35	
Meadow—*Festuca elatior*	5	50	500
Red—*Festuca rubra*	2	35	1,200
Sheep—*Festuca ovina*	2	35	1,165
Tall—*Festuca arundinacea*	5	50	500
Flax—*Linum usitatissimum*	15	100	150
Grama:			
Blue—*Bouteloua gracilis*	2	35	1,975
Side-oats—*Bouteloua curtipendula* (Other than caryopses)	5	50	420
(Caryopses)	2	35	1,605
Guar—*Cyamopsis tetragonoloba*	75	500	35
Guineagrass—*Panicum maximum*	2	50	2,305
Harding grass—*Phalaris* var. *stenoptera*	3	50	750
Hemp—*Cannabis sativa*	50	300	45
Indiangrass, yellow—*Sorghastrum nutans*	7	50	365
Indigo, hairy—*Indigofera hirsuta*	7	50	435
Japanese lawngrass—*Zoysia japonica*	1	35	3,010
Johnsongrass—*Sorghum halepense*	10	50	290
Kudzu—*Pueraria thunbergiana*	25	150	80
Lentil—*Lens culinaris*	50	300	40
Lespedeza:			
Korean—*Lespedeza stipulacea*	5	50	325
Sericea or Chinese—*Lespedeza cuneata* (L. sericea)	3	50	820
Siberian—*Lespedeza hedysaroides*	5	50	830
Striate (Common, Kobe, Tenn. 76) *Lespedeza striata*	5	50	730
Lovegrass, sand—*Eragrostis trichodes*	1	25	2,550
Lovegrass, weeping—*Eragrostis curvula*	1	25	3,280
Lupine:			
Blue—*Lupinus angustifolius*	500	500	7
White—*Lupinus albus*	500	500	7
Yellow—*Lupinus luteus*	300	500	9
Manilagrass—*Zoysia matrella*	2	35	
Meadow foxtail—*Alopecurus pratensis*	2	35	1,200
Medick, black—*Medicago lupulina*	5	50	585
Millet:			
Browntop—*Panicum ramosum*	10	50	305
Foxtail, Such as Common, White Wonder, German, Hungarian, Siberian, or Golden—*Setaria italica*	5	50	470
Japanese—*Echinochloa crusgalli* var. *frumentacea*	10	50	320
Pearl—*Pennisetum glaucum*	15	150	195
Proso—*Panicum miliaceum*	15	150	180
Molassesgrass—*Melinis minutiflora*	½	25	15,000
Mustard:			
Black—*Brassica nigra*	2	50	1,255
White—*Brassica hirta*	15	150	160

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued	Grams	Grams	Number
Napiergrass—*Pennisetum purpureum*	5	50	
Oat—*Avena* spp.	75	500	35–50
Oatgrass, tall—*Arrhenatherum elatius*	7	50	330
Orchardgrass—*Dactylis glomerata*	2	35	1,440
Panicgrass, blue—*Panicum antidotale*	2	35	1,450
Panicgrass, green—*Panicum maximum* var. *trichoflume*	3	50	
Peanut—*Arachis hypogoea*	300	500	1–3
Pea, field—*Pisum sativum* var. *arvense*	300	500	4
Rape:			
Annual—*Brassica napus* var. *annua*	7	50	345
Bird—*Brassica campestris*	7	50	425
Turnip—*Brassica campestris* var.	5	50	335
Winter—*Brassica napus* var. *biennis*	10	50	220
Redtop—*Agrostis alba*	½	25	11,000
Rescuegrass—*Bromus catharticus*	20	150	145
Rhodesgrass—*Chloris gayana*	1	25	4,725
Rice—*Oryza sativa*	50	500	65
Ricegrass, Indian—*Oryzopsis hymenoides*	10	50	310
Roughpea—*Lathyrus hirsutus*	75	500	40
Rye—*Secale cereale*	75	500	40
Ryegrass:			
Annual (Italian)—*Lolium multiflorum*	5	50	300
Perennial—*Lolium perenne*	5	50	300
Wimmera—*Lolium rigidum*	5	50	
Safflower—*Carthamus tinctorius*	100	500	30
Sainfoin—*Onobrychis viciaefolia*	50	200	50
Sesame—*Sesamum indicum*	7	50	300
Sesbania—*Sesbania exaltata*	25	150	105
Smilo—*Oryzopsis miliacea*	2	35	2,010
Sorghum:			
Grain and sweet—*Sorghum vulgare*	50	300	30–55
Sorghum almum—*Sorghum almum*	15	150	160
Sorghum—sudangrass hybrid, *S. vulgare* X *S. sudanense*	50	300	30–55
Sorgrass [1]	15	150	160
Sourclover—*Melilotus indica*	5	50	660
Soybean—*Glycine max*	500	500	6–13
Spelt—*Triticum spelta*	100	500	25
Sudangrass—*Sorghum sudanense*	25	150	120
Sunflower (Cult.)—*Helianthus annuus*	100	500	
Sweetclover:			
White—*Melilotus alba*	5	50	370
Yellow—*Melilotus officinalis*	5	50	370
Sweet vernalgrass—*Anthoxanthum odoratum*	2	35	1,600
Switchgrass—*Panicum virgatum*	3	50	815
Timothy—*Phleum pratense*	2	35	2,500
Tobacco—*Nicotiana tobacum*	½	25	15,625
Trefoil:			
Big—*Lotus uliginosus (L. major)*	2	35	1,945
Birdsfoot—*Lotus corniculatus*	3	35	815
Vaseygrass—*Paspalum urvillei*	3	35	970
Veldtgrass—*Ehrharta calycina*	4	35	655
Velvetbean—*Stizolobium deeringianum*	300	500	2
Velvetgrass—*Holcus lanatus*	1	25	3,360
Vetch:			
Common—*Vicia sativa*	150	500	19
Hairy—*Vicia villosa*	75	500	35
Hungarian—*Vicia pannonica*	100	500	24
Monantha—*Vicia articulata* (V. monantha)	100	500	
Narrowleaf—*Vicia angustifolia*	50	300	60
Purple—*Vicia atropurpurea*	100	500	22
Woollypod—*Vicia dasycarpa*	100	500	25
Wheat:			
Common—*Triticum aestivum*	100	500	25
Club—*Triticum compactum*	100	500	35
Durum—*Triticum durum*	100	500	25
Polish—*Triticum polonicum*	100	500	25
Poulard—*Triticum turgidum*	100	500	25
Wheatgrass:			
Beardless—*Agropyron inerme*	10	50	
Fairway crested—*Agropyron cristatum*	5	50	715
Standard crested—*Agropyron desertorum*	5	50	425
Intermediate—*Agropyron intermedium*	10	50	220
Pubescent—*Agropyron trichophorum*	10	50	200
Siberian—*Agropyron sibiricum*	10	50	
Slender—*Agropyron trachycaulum*	7	50	340

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued			
Wheatgrass—Continued	*Grams*	*Grams*	*Number*
Streambank—*Agropyron riparium*	10	50	370
Tall—*Agropyron elongatum*	15	50	140
Western—*Agropyron smithii*	10	50	235
Wildrye:			
Canada—*Elymus canadensis*	10	50	360
Russian—*Elymus junceus*	5	50	400
VEGETABLE SEED			
Artichoke—*Cynara scolymus*	100	500	24
Asparagus—*Asparagus officinalis*	100	500	25
Asparagusbean—*Vigna sesquipedalis*	300	500	8
Beans:			
Garden—*Phaseolus vulgaris*	500	500	4
Lima—*Phaseolus lunatus* var. *macrocarpus*	500	500	2
Runner—*Phaseolus coccineus*	500	500	1
Beet—*Beta vulgaris*	50	300	60
Broadbean—*Vicia faba*	500	500	----------
Broccoli—*Brassica oleracea* var. *botrytis*	10	50	315
Brussels sprouts—*Brassica oleracea* var. *gemmifera*	10	50	315
Burdock, great—*Arctium lappa*	15	100	----------
Cabbage—*Brassica oleracea* var. *capitata*	10	50	315
Cabbage, Chinese (Petsai)—*Brassica pekinensis*	5	50	635
Cabbage, tronchuda—*Brassica oleracea* var. *tronchuda*	10	50	----------
Cardoon—*Cynara cardunculus*	100	500	----------
Carrot—*Daucus carota*	3	50	825
Cauliflower—*Brassica oleracea* var. *botrytis*	10	50	315
Celeriac—*Apium graveolens* var. *rapaceum*	1	25	2,520
Celery—*Apium graveolens* var. *dulce*	1	25	2,520
Chard, Swiss—*Beta vulgaris* var. *cicla*	50	300	60
Chicory—*Chicorium intybus*	3	50	940
Chives—*Allium schoenoprasum*	10	50	----------
Citron—*Citrullus vulgaris*	200	500	11
Collards—*Brassica oleracea* var. *acephala*	10	50	315
Corn, sweet—*Zea mays*	500	500	----------
Cornsalad—*Valerianella locusta* var. *olitoria*:			
Vars. Fullhearted and Dark Green Fullhearted	5	50	----------
All other varieties	10	50	380
Cowpea—*Vigna sinensis*	300	500	8
Cress:			
Garden—*Lepidium sativum*	5	50	425
Upland—*Barbarea verna*	2	35	1,160
Water—*Rorippa nasturtium-aquaticum*	1	25	5,170
Cucumber—*Cucumis sativus*	75	500	40
Dandelion—*Taraxacum officinale*	2	35	1,240
Eggplant—*Solanum melongena* var. *esculentum*	10	50	230
Endive—*Cichorium endivia*	3	50	940
Kale—*Brassica oleracea* var. *acephala*	10	50	315
Kale, Chinese—*Brassica oleracea* var. *alboglabra*	10	50	----------
Siberian—*Brassica napus* var. *pabularia*	10	50	----------
Kohlrabi—*Brassica oleracea* var. *gongylodes*	10	50	315
Leek—*Allium porrum*	7	50	395
Lettuce—*Lactuca sativa*	3	50	890
Muskmelon (cantaloupe)—*Cucumis melo*	50	500	45
Mustard—*Brassica juncea*	5	50	625
Mustard, spinach—*Brassica perviridis*	5	50	535
Okra—*Hibiscus esculentus*	100	500	19
Onion—*Allium cepa*	7	50	340
Onion, Welsh—*Allium fistulosum*	10	50	----------
Pak-choi—*Brassica chinensis*	5	50	635
Parsley—*Petroselinum hortense* (*P. crispum*)	5	50	650
Parsnip—*Pastinaca sativa*	5	50	430
Pea—*Pisum sativum*	500	500	3
Pepper—*Capsicum spp.*	15	150	165
Pumpkin—*Cucurbita pepo*	500	500	5
Radish—*Raphanus sativus*	30	300	75
Rhubarb—*Rheum rhaponticum*	50	300	60
Rutabaga—*Brassica napus* var. *napobrassica*	5	50	430
Salsify—*Tragopogon porrifolius*	50	300	65
Sorrel—*Rumex acetosa*	2	35	1,080
Soybean—*Glycine max*	500	500	6-13
Spinach—*Spinacia oleracea*	25	150	100
Spinach, New Zealand—*Tetragonia expansa*	300	500	13
Squash—*Cucurbita moschata* and *C. maxima*	200	500	14
Tomato—*Lycopersicon esculentum*	5	50	405
Tomato, husk—*Physalis pubescens*	2	35	1,240
Turnip—*Brassica rapa*	5	50	535
Watermelon—*Citrullus vulgaris*	200	500	11

[1] Rhizomatous derivatives of a Johnsongrass × sorghum cross or a Johnsongrass × Sudangrass cross.

§ 201.47 [Amended]

6. Section 201.47 is amended as follows:

Paragraph (d) is amended by deleting the phrases "(except *Agrostis* species)" and "(except *Agrostis* species, which shall be determined by count)".

7. Section 201.48 (b) and (i) are amended to read as follows:

§ 201.48 Kind or variety considered pure seed.

* * * * *

(b) Pieces of broken and otherwise damaged seeds that are larger than one-half the original size, except as provided in paragraph (i) of this section.

* * * * *

(i) Insect-damaged seeds, provided the damage is entirely internal, or the opening in the testa is not sufficiently large to allow the size of the remaining mass of tissue to be readily determined. (Not applicable to chalcid-damaged seeds. See § 201.51(a)(4).)

* * * * *

§ 201.50 [Amended]

8. Section 201.50 is amended by inserting in the first sentence before the word "or" the word "sporocarps" and by adding at the end of the section "(For single seeds of *Juncus* see § 201.51(10).)".

§ 201.51 [Amended]

9.A. Section 201.51(a) is amended so that the heading would read as follows: "(a) Seeds and seed-like structures from crop plants—" and subparagraph (1) is amended to read as follows: "(1) Pieces of broken or otherwise damaged seeds one-half the original size or less. (See § 201.48(b) and (i).)"

B. Section 201.51(b) is amended as follows:

a. Delete the heading "Weed plants—" following "(b)" and insert the following: "Seeds and seed-like structures from weed plants which by visual examination (including the use of transmitted light or dissection) can be demonstrated as falling within the following categories—"

b. Subparagraph (2) reads as follows:

(2) Damaged caryopses of grasses, including free caryopses of quackgrass, *Agropyron repens*, with over one-half the root-shoot axis missing (the scutella excluded); Immature grasses—florets of quackgrass in which the caryopses are less than one-third the length of the palea and free caryopses devoid of embryo; Undeveloped grasses—glumes and florets devoid of both embryo and endosperm.

c. Subparagraph (4) reads as follows:

(4) Undeveloped seed units, devoid of both embryo and endosperm, such as occur in the following plant families: Sedge (*Cyperaceae*), buckwheat (*Polygonaceae*), morning-glory (*Convolvulacede*), nightshade (*Solanaceae*), and sunflower (*Compositae*). Cocklebur (*Xanthium* spp.) burs are to be dissected to determine whether or not seeds are present. (See § 201.52.)

d. Delete subparagraph (6).

e. Renumber subparagraph (7) and amend to read as follows:

(6) Dodder (*Cuscuta*): Seeds devoid of embryos. Questionable seeds should be sectioned. Questionable seeds include those that may have normal or near normal color, but are slightly swollen, dimpled, or with "pin-point" holes. Seeds that are ashy gray to creamy white in color are inert.

f. Renumber subparagraph (8) and amend to read as follows:

(7) Buckhorn (*Plantago lanceolata*): Black seeds with no brown color evident, whether shriveled or plump. (The color of questionable seeds shall be determined by the use of a stereoscopic microscope

with magnification of approximately 10× and a fluorescent lamp with two 15-watt daylight type tubes.)

g. Subparagraph (9) would be renumbered (8) and subparagraph (10) renumbered as (9).

§ 201.51a [Amended]

10. Section 201.51a is amended as follows:

a. In the last sentence of the lead paragraph delete "is" between the words "test" and "made" and insert "may be."

b. Add a new paragraph (c) as follows:

(c) With exception of chewings fescue, these methods are not applicable to the kinds listed when they occur in mixtures of kinds.

§ 201.56–2 [Amended]

11. Section 201.56–2 is amended as follows:

a. Paragraph (a) reads as follows:

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period. When used to describe seedling structures, "normal length" means that length attained by a vigorous sample of the same variety of lettuce as the one being tested when both are placed under the same test conditions. Necrosis on lettuce cotyledons is manifested by softened, grayish, blackish, or reddish areas on the cotyledons. (This necrosis first appears on the midrib and lateral veins and should not be confused with the natural pigmentation or insect injury. Seedlings with extensive necrotic areas on the cotyledons are slower in growth and shorter than those without such affected areas.)

(1) Normal seedlings include those that have (i) roots over half the usual length for vigorous seedlings; (ii) hypocotyls over half the usual length for vigorous seedlings, with no cracks or lesions extending into the central conducting tissues; (iii) two cotyledons free of necrosis (the hypocotyl and root should be more than half normal length); and (iv) an epicotyl entirely free of decay.

(2) Abnormal seedlings include those that have (i) no roots, or roots clearly less than half normal length with root tips blunt, swollen, or discolored; (ii) a hypocotyl clearly less than half normal length, or severely twisted or grainy, or with cracks or lesions extending into the central conducting tissue; (iii) only one cotyledon; (iv) either cotyledon showing any degree of necrosis (the hypocotyl and root are usually less than half normal length), or swollen cotyledons (usually grayish or darkened) with extremely short or vestigial hypocotyl and root (seed coat usually adhering to the cotyledons); or (v) no epicotyl or if the epicotyl shows any degree of decay or necrosis.

b. Paragraph (b)(1)(iv) reads as follows:

(iv) One complete cotyledon or two broken cotyledons with half or more original cotyledon tissue remaining attached to the seedling (epicotyl must be present);

c. Paragraph (b)(2)(v) reads as follows:

(v) Part of one cotyledon or two broken cotyledons with less than half of the original cotyledon tissue remaining attached.

d. In paragraph (b)(2) delete subparagraph (viii) and insert the following: "(viii) epicotyl absent; or (ix) various combinations of the abnormalities described."

12. Section 201.56–5 is amended as follows:

Paragraph (d) reads as follows:

§ 201.56–5 Grass family (Gramineal).

* * * * *

(d) *Sorghum* spp. (1) Normal seedlings include those that have (i) one vigorous primary root, usually with well-developed lateral branches by the end of the test period; (ii) short primary root, but with at least two vigorous lateral roots; (iii) well-developed green leaves not badly split, regardless of whether coleoptiles are split; (iv) slight infection by fungi, provided none of the essential seedling structures have been damaged; (v) red coloration on the roots and on the coleoptile of the shoot, caused by natural pigments, provided the seedling is otherwise normal.

(2) Abnormal seedlings include those that have (i) no roots; (ii) weak, spindly, or short primary root, and less than two vigorous lateral roots (often associated with decay of the grain); (iii) no plumule, but only the sheath or coleoptile; (iv) a shortened plumule, extending no more than one-half the way up through the coleoptile; (v) a spindly, pale plumule, usually associated with moldy seeds; (vi) shattered and longitudinally split plumules, with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not due to improper testing conditions (the plumules usually appear weak and show decay near the point of attachment of the grain, which is usually decayed); or (viii) various combinations of the abnormalities described.

* * * * *

§ 201.56–6 [Amended]

13. Section 201.56–6 is amended as follows:

a. Delete following the wording in paragraph (b)(1)(iv) the word "or" and insert after the wording in "(v)" the following: "or (vi) at least one complete cotyledon or two broken cotyledons with half or more of the cotyledon tissue remaining attached to the seedling."

b. Delete the word "or" following paragraph (b)(2)(v) and all of paragraph (b)(2)(vi) and insert the following:

(vi) Part of one cotyledon or two broken cotyledons with less than half of the cotyledon tissue remaining attached; or (vii) various combinations of the abnormalities described.

§ 201.58 [Amended]

14. Section 201.58 is amended as follows:

a. Paragraph (a)(2) reads as follows:

(2) *Light.* Cool white fluorescent light shall be provided where light is required in table 2. The light intensity shall be 75 to 125 foot-candles (750–1,250 lux). (The light intensity for nondormant seed and during seedling development may be as low as 25 foot-candles to enable the essential structures to be evaluated with greater certainty.) The seeds shall be illuminated for at least 8 hours every 24 hours except when transferred to a low temperature germinator during the weekend. When seeds are germinated at alternating temperatures they shall be illuminated during high temperature periods. Seeds for which light is prescribed shall be germinated on top of the substratum except for ryegrass fluorescence tests.

b. Insert after the second sentence in paragraph (a)(8) the following wording: "The temperature shall be determined at the substratum level and shall be as uniform as possible throughout the germination chamber. (A sharp alternation of temperature, such as obtained by hand transfer, may be beneficial in breaking dormancy.)"

c. Paragraph (a)(9) reads as follows:

(9) Paper substrata must be free of chemicals toxic to germinating seed and seedling growth. If root injury occurs from toxicity of a paper substratum or from the use of potassium nitrate, retests shall be made on soil or on a substratum moistened with water.

d. Paragraph (b)(9) reads as follows:

(9) *Rice (Oryza sativa)—Alternate method:* Plant the seeds in moist sand. On the seventh day of the test add water to a depth of one-fourth inch above the sand level and leave for the remainder of the test. Only a final count is made. Dormant seeds: Presoak 24 to 48 hours in 40° C. water. For deeply dormant seeds, presoak 24 hours in 1,000 p.p.m. ethylene chlorohydrin or 5 percent solution of sodium hypochlorite (clorox at bottle strength).

e. Paragraph (b)(11) reads as follows:

(11) *Trifolium, Medicago, Melilotus, and Vicia faba; temperature requirements.* A temperature of 18° C. is desirable for *Trifolium* spp., *Medicago* spp., *Melilotus* spp., and *Vicia faba.*

f. Revise table 2 in paragraph (c) with respect to the requirements for testing the agricultural and vegetable seeds as listed below:

Beggarweed, Florida	Col. 7—delete "10–30° C.; KNO_3.".
Bluegrass, Canada	Col. 7—delete "; KNO_3.".
Bluegrass, glaucantha	Col. 7—delete "do".
Bluegrass, Kentucky	Col. 1—delete "including var. Merion" and add "all vars.".
	Col. 3—delete "10–30" and add "15–25".
Brome, field	Col. 1—delete "Alternate method" and requirements in all the columns pertaining to the alternate method.
	Col. 3—delete "15–30" and add "15–25" after "20–30".
Canarygrass, reed	Col. 7—delete "KNO_3.".
Cotton	Col. 3—add "; 30" after "20–30".
Fescue, chewings	Col. 1—delete "Alternate method" and requirements in all columns pertaining to the alternate method.
Fescue, hard	Col. 6—add "Light & KNO_3 optional".
	Col. 1—delete "Alternate method" and requirements in all columns pertaining to the alternate method.
Fescue, hair	Col. 6—add "light" before "KNO_3.".
Fescue, meadow	Col. 3—delete "; 20–30".
	Col. 1—delete "Alternate method" and requirements in all columns pertaining to alternate method.
Fescue, red	Col. 1—delete "Alternate method" and requirements in all columns pertaining to alternate method.
Fescue, sheep	Col. 6—add "and KNO_3 optional" after the word "light".
	Col. 1—delete "Alternate method" and requirements in all columns pertaining to alternate method.
Fescue, tall	Col. 3—delete "20–30"; add "15–25".
	Col. 1—delete "Alternate method" and requirements in all columns pertaining to alternate method.
Guar	Col. 2—add "B" before "T".
Hardinggrass	Col. 6—delete "do"; add "Light".
	Col. 7—delete "do"; add "KNO_3.".
Lentil	Col. 2—add "T" after "B".
Millet, Browntop	Col. 7—delete "; or"; add "and".
Orchardgrass	Col. 3—add "15–25;" before "20–30".
Panicgrass, green	Col. 3—delete "20–30"; add "15–35".
	Col. 6—delete "do"; add "Light; KNO_3 optional.".
Peanut	Col. 3—add "; 25" after "20–30".
	Col. 7—add "Predry up to 14 days at 40° C.".
Rice	Col. 3—add "; 30" after "20–30".
	Col. 7—add "Presoak, see par. (b)(9).".
Ryegrass, Italian	Col. 1—delete "Italian"; add "annual (Italian)".
Sesame	Col. 2—delete "P"; add "B,T,TB".
Sorghum: grain & sweet	Col. 7—delete present wording. Rewrite as follows: "Prechill grain varieties at 5° or 10° C. for 5 days; test sweet varieties at 30–45° C., maintaining 45° C. for 2–4 hours per day."
Sorghum almum	Col. 3—add "15–35" after "20–35".
	Col. 7—add "Upon the 10th day of test, clip or pierce the distal end of ungerminated seeds."
Sorgrass	Col. 3—add "20–35" after "15–35".
Timothy	Col. 3—add "15–25" after "20–30".
	Col. 7—add "KNO_3 and" before "prechill".
Vaseygrass	Col. 7—delete "do"; add "KNO_3.".
Wheatgrass:	
Beardless	Col. 6—delete "Light; KNO_3."; add "Light and KNO_3 optional".
	Col. 7—add "KNO_3 and prechill at 5° C. or 10° C. for 7 days.".
Fairway crested	Col. 3—delete "20–30"; add "15–25".
	Col. 6—delete "light optional"; add "do".
	Col. 7—delete "KNO_3 and prechill at 5° C. or 10° C. for 7 days"; add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Wheatgrass—Continued	
Standards crested	Col. 3—delete "20–30"; add "15–25".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Intermediate	Col. 3—delete "20–30"; add "15–25".
	Col. 6—delete "Light,"; add "do".
	Col. 7—add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Pubescent	Col. 3—delete "20–30"; add "15–25".
	Col. 6—delete "Light"; add "do".
	Col. 7—add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Siberian	Col. 6—delete "Light; KNO_3."; add "do".
	Col. 7—add "do".
Slender	Col. 3—delete "20–30"; add "15–25; 10–30".
	Col. 6—delete "Light"; add "do".
	Col. 7—delete "then place at 20–30° C. for 4 days.".
Streambank	Col. 3—delete "20–30"; add "15–25".
	Col. 6—delete "Light"; add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Tall	Col. 3—delete "20–30"; add "15–25".
	Col. 7—add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Western	Col. 3—add "15–25".
	Col. 6—add "do".
	Col. 7—add "and prechill at 5° or 10° C. for 7 days" after "soil".
Wildrye: Russian	Col. 6—add "do".
Celery	Col. 7—delete "KNO_3 and prechill at 10° C. for 3 days.".
Cornsalad	Col. 7—delete "or 15° C.".
Cress: Garden	Col. 6—delete "Light".
	Col. 7—delete "Test at 15° C. and light."; add "Light".
Add "Upland—Barbarea verna" under "Cress" in alphabetical order.	Col. 2—add "P,TB".
	Col. 3—add "20–35".
	Col. 4—add "4".
	Col. 5—add "T".
	Col. 6—add "Light; KNO_3".
Endive	Col. 7—delete "See pars. (a)(9) and (b)(6).". Add "See par. (b)(6).".
Lettuce	Col. 6—delete "photos 2417, 2418, 19559, 19560.".
Pepper	Col. 2—delete "P"; add "T".
Spinach	Col. 2—add "RT".
Tomato	Col. 2—add "T".
Watermelon	Col. 3—delete "15"; add "25".

§ 201.58a [Amended]

15. Section 201.58a is amended as follows:

a. Add the following subparagraph (3) to paragraph (a):

(3) Varieties of annual or perennial ryegrass having as a characteristic a percentage of fluorescence less than 100 percent for an annual variety or more than 5 percent for a perennial variety shall not be subjected to the formulas in subparagraphs (1) and (2) of this paragraph for a determination as to kind.

b. Delete "biennial" in each place in which it occurs in paragraph (b).

§ 201.102 [Amended]

16. Section 201.102 is amended by changing the percentage specified for veldtgrass from 35 to 25 and by inserting in alphabetical order in the list of kinds of seed and percentages as follows:

Sorghum almum	65
Johnsongrass	65

[F.R. Doc. 65-6440; Filed, June 17, 1965; 8:49 a.m.]

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

[Avocado Order 7, Amdt. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 915, as amended), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation of such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the stage of maturity of the varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on June 9, 1965. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.307 (30 F.R. 7240) are hereby amended by revising in Table I, certain dates and minimum weights and diameters applicable to the Fuchs and Dr. Dupuis varieties of avocados, clarifying the name of the Dr. Dupuis variety and adding in such table the K–5 variety so that after such revision and addition the portion of such Table I relating to such varieties reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fuchs	6-21-65	14 oz. 3⁵⁄₁₆ in.	7- 5-65	12 oz. 3⁵⁄₁₆ in.	7-26-65	10 oz. 2¹⁵⁄₁₆ in.	8-9-65
K-5	7-12-65	14 oz.	7-26-65	12 oz.	8- 9-65		
Dr. Dupuis #2	7-19-65	14 oz.	8-23-65				

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., June 21, 1965.

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

Dated: June 15, 1965.

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

[F.R. Doc. 65-6441; Filed, June 17, 1965; 8:49 a.m.]

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

[Milk Order 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of May 1965:

In § 1136.11(a) "there is disposed of on routes fluid milk products equal to not less than 40 percent of the receipts during the month at such plant of producer milk and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and."

Notice of proposed rule making, public procedures thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will reduce for the month of May 1965, requirements for pool plant qualifications of distributing plants. A suspension order effective January 1, 1965, for the period of January 1, 1965, through July 31, 1965, reduced the percentage of fluid milk products required to be distributed on routes to 40 percent in all months. This action will eliminate for May 1965, the 40 percent requirement. To be qualified as a pool distributing plant for the month of May 1965, a plant must have disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the fluid milk product disposition from the plant on routes.

Proponent states that increased production and a decrease in Class I sales have made it impossible for the cooperative association to maintain pool plant status during May 1965, for all of its plants which have been pool plants in previous months.

(4) This suspension action is based on a request by Federated Dairy Farms, Inc. Members of this cooperative association represent in excess of two-thirds of the producers in the Great Basin marketing area. This suspension will permit dairy farmers who have supplied the fluid requirements of the market in previous months to maintain producer status for the month of May.

Therefore, good cause exists for making this order effective on date of signature.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of May 1965.

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

Effective date. On date of signature.

Signed at Washington, D.C., on June 14, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-6418; Filed, June 17, 1965; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Inspection and Quarantine Division by § 97.1 of the regulations concerning overtime

services relating to imports and exports, effective August 18, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316) and April 12, 1965 (30 F.R. 4609) prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: Bellingham, Wash.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Porthill, Idaho (served from Eastport, Idaho).
Delete: Lynden, Wash. (served from Blaine, Wash.).

TWO HOURS

Delete: Tacoma, Wash. (served from Seattle, Wash.).
Add: Bellingham, Wash. (served from Blaine, Wash.).
Add: Lynden, Wash. (served from Blaine, Wash.).

THREE HOURS

Delete: Port Angeles, Wash. (served from Seattle, Wash.).
Delete: Anacortes, Wash. (served from Bellingham, Wash.).
Add: Tacoma, Wash. (served from Seattle, Wash.).

FOUR HOURS

Add: Anacortes, Wash. (served from Blaine or Seattle, Wash.).
Add: Hueneme, Calif. (served from San Pedro, Calif.).
Add: Ontario, Calif. (served from San Pedro, Calif.).

SIX HOURS

Add: Port Angeles, Wash. (served from Seattle, Wash.).
Add: Edwards Air Force Base, Calif. (served from San Pedro, Calif.).
Add: March Field, Calif. (served from San Pedro, Calif.).
Add: San Luis Obispo (served from San Pedro, Calif.).

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

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

These revised administrative instructions shall be effective on and after June 21, 1965.

(64 Stat. 561; 5 U.S.C. 576)

Done at Hyattsville, Md., this 15th day of June 1965.

L. C. HEEMSTRA,
Director, Animal Inspection and Quarantine Division.

[F.R. Doc. 65-6443; Filed, June 17, 1965; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Area Redevelopment Administration, Department of Commerce

PART 305—RETRAINING SUBSISTENCE PAYMENTS

Subpart A—Introduction

EFFECTIVE PERIOD OF PROGRAM

Part 305 of the regulations of the Area Redevelopment Administration, as published in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933-9943), as amended, is hereby further amended as follows:

Section 305.2 of Subpart A is revised to read as follows:

§ 305.2 Effective period of program.

Retraining payments shall be payable in accordance with the terms of section 17 of the Act to trainees enrolled in training programs approved under section 16 of the Act for any week beginning on or after May 1, 1961, or on or after the date of the agreement with the State, whichever is later.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the aforesaid Part 305 is unnecessary for the reason that all matters therein relate to agency management, personnel, loans, grants, or benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of this part of Chapter III of Title 13 are effective as of this date.

Dated: June 11, 1965.

WILLIAM L. BATT, JR.,
Area Redevelopment Administrator.

[F.R. Doc. 65-6382; Filed, June 17, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guide for Avoiding Deceptive Use of Word "Mill" in Textile Industry

Over the years the Commission has received and acted on a number of complaints that sellers of textile products were misrepresenting themselves as manufacturers by use of the word "mill" in their trade name, in advertising, promotional material, and on stationery, business forms, etc. These Guides are designed to assist others in a similar position in avoiding such unfair and deceptive practices as are violative of the Federal Trade Commission Act.

The Commission has a duty to move against violators and obtain compliance with the laws it administers. However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the requirements of such laws the more likelihood there is that compliance with them will be obtained.

If a businessman knows what the legal pitfalls are, he can steer his business policies to avoid them. Furthermore, such knowledge is most useful in determining when competitors are trying to use illegal methods. In other words, it pays for a businessman to know what his rights are as well as his obligations.

Since the Guide is not intended to serve as comprehensive or precise statements of law, but rather as a practical aid to the honest businessman who seeks to conform his conduct to the requirements of fair and legitimate merchandising, it will be of no assistance to the few whose aim is to walk as close as possible to the line between legal and illegal conduct. It is to be considered as a guide, and not as a fixed rule of "do's" and "don'ts," or detailed statements of the Commission's enforcement policies. The fundamental spirit of the Guide will govern its application.

§ 14.14 Guide for avoiding deceptive use of word "mill."

(a) *General rule.* Simply stated, the general rule is that the word "mill" should not be used in the corporate, business, or trade name of any person or concern handling textiles, or in any other manner, unless the person or concern actually owns and operates or directly and absolutely controls the manufacturing facility in which all textile materials which are sold under that name are produced.

(b) *The requirement of operational control.* (1) For a firm to qualify as a bona fide mill it must exercise direct and absolute control over the milling facility in which its merchandise is produced. Contracting to have milling operations performed by others will not qualify one as a mill.

(2) A distributor who furnishes yarns and other materials to a knitting mill for manufacture into garments according to the distributor's specifications is not a mill because it does not exercise direct and absolute operational control over the milling operations. A firm having a written "lease" with a mill whereby the mill allocated five of its looms and the workers at such looms to manufacture ribbon for the jobber from materials supplied by, and according to instructions from, the jobber is not a mill for the same reason. Even if a jobber takes the entire output of a mill, he does not thereby become a mill.

(c) *Examples of deceptive usage of the word "mill."* Illustrative situations in which use of "mill" in designating trade status has been found to be deceptive are the following:

(1) A corporation which purchased unfinished silk and rayon cloth from weavers or manufacturers, caused such cloth to be dyed, printed, or processed into finished dry goods by others and sold such goods to retailers, members of the cutting up trade and others;

(2) A tailor who made made-to-measure suits but did not produce the cloth from which the suits were made;

(3) A selling agent who represented a number of suit fabric manufacturers;

(4) An independent retailer who claimed to be a "mill's outlet."

(d) *Exception to general rule.* (1) Under the exceptional circumstances set forth below, the Commission may permit a nonmanufacturing concern to continue to use the word "mill" in its trade name provided that it is accompanied by a qualifying phrase which clearly states that the concern is not a mill and does not own or operate a facility which manufactures textiles. This exception only applies if (i) the name of the concern has become a valuable business asset and its loss would result in a substantial hardship and (ii) the qualifying phrase will eliminate all possibility of deception.

(2) Factors to be taken into consideration in determining whether a trade name has become a valuable business asset the loss of which would become a hardship are as follows:

(i) Extent and period of time during which the name has been used;

(ii) Funds and efforts expended in establishing and promoting the name;

(iii) The extent of the goodwill enjoyed by the company;

(iv) The adverse effect on the company that could reasonably be expected if use of the word "mill" had to be discontinued.

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Effective: September 16, 1965.

By direction of the Commission.

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

[F.R. Doc. 65-6373; Filed, June 17, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy; Correction

In Federal Register Document 65-6100 appearing in the issue for June 11, 1965, at page 7595, the word "Jimi" appearing in the 4th and 13th lines should be spelled "Jima".

(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. 65-6429; Filed, June 17, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116(f) is amended to reflect the current designation of the President's Council on Physical Fitness. Effective on publication in the FEDERAL REGISTER, the headnote and subparagraph (1) of paragraph (f) of § 213.3116 is amended as set out below.

§ 213.3116 **Department of Health, Education, and Welfare.**

* * * * *

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

* * * * *

(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. 65-6428; Filed, June 17, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Peace Corps

Section 213.3360 is amended to show the exception under Schedule C of the position of Confidential Assistant to the Director. Effective on publication in the FEDERAL REGISTER, paragraph (aa) is added to § 213.3360 as set out below.

§ 213.3360 **Peace Corps.**

* * * * *

(aa) One Confidential Assistant to the Director.

(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. 65-6430; Filed, June 17, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1C0421), filed by Geigy Chemical Corp., Sawmill River Road, Ardsley, N.Y., and other relevant data, has concluded that the food additive regulations should be amended to provide the conditions under which disodium EDTA may be safely used in feed for ruminants. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Subpart C of the food additive regulations is amended by adding thereto a new section, as follows:

§ 121.271 **Disodium EDTA.**

The food additive disodium EDTA (disodium ethylenediaminetetraacetate) may be safely used in ruminant feeds, in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 99 percent disodium ethylenediaminetetraacetate dihydrate ($C_{10}H_{14}O_8N_2Na_2 \cdot 2H_2O$).

(b) It is used to solubilize trace minerals in aqueous solutions, which are then added to ruminant feeds.

(c) It is used or intended for use in an amount not to exceed 240 parts per million (0.024 percent) of the additive in finished feed.

(d) To assure safe use of the additive the label and labeling shall bear:

(1) The name of the additive; and

(2) Adequate mixing directions to insure that the chelated trace-mineral mix is uniformly blended throughout the feed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effctive on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 11, 1965.

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

[F.R. Doc. 65-6435; Filed, June 17, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Furaltadone, Procaine Penicillin G

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4C1453) filed by Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to provide safe conditions of use for an additional formulation for the treatment of bovine mastitis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.249(a) is amended by adding thereto a new subparagraph (5), as follows:

§ 121.249 Food additives for use in milk-producing animals.

* * * * *

(a) * * *

(5) (i) It is sterile. It contains the following in each 15 milliliters of suspension:

Furaltadone (5-(morpholinomethyl)-3-[(5-nitrofurfurylidene)amino] - 2 - oxazolidinone)—500 milligrams.
Procaine penicillin G—100,000 units.
Vehicle: Peanut oil containing 2 percent aluminum monostearate.

(ii) Treat lactating cows with 15 milliliters of suspension in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat at 12- and 24-hour intervals if necessary.

(iii) Milk taken from animals during treatment and for 96 hours (8 milkings) after the latest treatment must not be used for food.

* * * * *

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 643 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), § 146a.45 (a) of the antibiotic regulations is amended by changing the second, fifth, and sixth sentences to read as set forth below. As amended, paragraph (a) reads as follows:

§ 146a.45 Procaine penicillin G in oil.

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin G in oil is a suspension of procaine penicillin G in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing agents and with or without the addition of a hardening agent. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain furaltadone in accordance with § 121.249(a)(5) of this chapter, nitrofurazone, or corticotropin. Its potency is 300,000 units per milliliter, except if it is packaged and labeled solely for veterinary use. Its moisture content is not more than 1.4 percent. It is sterile, unless it is packaged and labeled solely for udder instillations of cattle or subcutaneous injection in fowl, except that it is sterile if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone. The procaine penicillin G used conforms to the requirements of § 146a.44(a), except if the procaine penicillin G in oil is packaged and labeled solely for udder instillations of cattle and is not required to be sterile, the penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section, or if packaged and labeled solely for subcutaneous injection in fowl, the procaine penicillin G used is exempt from the requirements of paragraph (a) (2) and (3) of that section. The sesame oil and peanut oil used conform to the standards prescribed therefor by the U.S.P. The hardening agent is a refined hydrogenated and deodorized peanut oil free from rancidity; it has an iodine value of not more than 10; its free fatty acid content as oleic acid is not more than one-tenth of 1 percent and its melting point is 64° C. ±2° C.

* * * * *

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

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: June 11, 1965.

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

[F.R. Doc. 65-6437; Filed, June 17, 1965; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1547) filed by Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y., 13210, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional item in the preparation of slimicides used in the manufacture of paper and paperboard intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2505(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2505 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * *	* * *
1,3,6,8-Tetraazotricyclo[6.2.1.1 3,6] dodecane.	

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 11, 1965.

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

[F.R. Doc. 65-6436; Filed, June 17, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3695]

[New Mexico 0555539]

NEW MEXICO

Partial Revocation of Public Land Order No. 509 of July 30, 1948

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

1. Public Land Order No. 509 of July 30, 1948, which withdrew public lands in the State of New Mexico for use by the Department of the Army for expansion of the water supply at Alamogordo Air Field, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 10 E.,
Sec. 20. NE¼, E½NW¼, S½SW¼, E½SE¼.

The areas described aggregate 400 acres. The land lies approximately 6 miles south of Alamogordo, N. Mex. Topography consists of very rough foothills bisected by several arroyos. Soils are shallow and gravelly, with large boulders covering much of the surface. Vegetation consists of native browse with a sparse grass cover.

2. The State of New Mexico has waived the preference right of application afforded it by R.S. 2276 as amended (43 U.S.C. 852).

3. At 10 a.m., on July 16, 1965, the lands shall be open to the operation of the public land laws generally, including the mining and the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1449, Santa Fe, N. Mex.

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

JUNE 10, 1965.

[F.R. Doc. 65-6335; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3696]

[Sacramento 078468]

CALIFORNIA

Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-1049-California, it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the following described lands in the Klamath National Forest, withdrawn in Powersite Classification No. 116, shall at 10 a.m., on July 16, 1965, be open to such forms of disposition as may by law be made of national forest lands, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, supra:

KLAMATH NATIONAL FOREST

HUMBOLDT MERIDIAN

T. 16 N., R. 7 E.,
Sec. 11, those portions of lots 5, 6, and S½SW¼ lying N of the Klamath River.

The areas described aggregate 9.2 acres, in Siskiyou County.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

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

JUNE 10, 1965.

[F.R. Doc. 65-6336; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3697]

[Washington 05697]

WASHINGTON

Revocation in Whole or in Part of Forest Service Administrative Sites

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

1. The departmental orders which withdrew national forest lands as national forest administrative sites, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

(a) Trapper Creek Site (order of 12-13-06).

T. 5 N., R. 6 E. (unsurveyed),
Sec. 25, part.
T. 5 N., R. 7 E. (unsurveyed),
Sec. 31, part.

Aggregating approximately 95 acres.

(b) Packwood Lake Site (order of 6-9-08).

T. 13 N., R. 10 E. (unsurveyed),
Sec. 28, part.

Containing about 2.50 acres.

MT. BAKER NATIONAL FOREST

(a) Trout Marsh Site (order of 11-23-06).

T. 30 N., R. 10 E.,
Sec. 22, S½NW¼SW¼.

Containing about 20 acres.

(b) Station 33 (order of 11-23-06).

T. 37 N., R. 12 E.,
Sec. 21, part of lot 2.

Containing about 10 acres.

OKANOGAN NATIONAL FOREST

Ventura Site (order of 10-26-08).

T. 36 N., R. 19 E.,
Sec. 5, part.

Containing about 40 acres.

UMATILLA NATIONAL FOREST

(a) Pataha Site (order of 7-23-08).

T. 9 N., R. 42 E.,
Sec. 3, SW¼NW¼.

Containing about 40 acres.

(b) Administrative Site No. 1 (order of 1-18-08).

T. 9 N., R. 42 E.,
Sec. 1, SE¼NW¼;
Sec. 2, lot 1.

Containing about 91.49 acres.

OKANOGAN NATIONAL FOREST

Ventura Site (order of 10-26-08).

T. 37 N., R. 19 E.,
Sec. 17, part.

Containing about 20 acres.

The areas described aggregate approximately 319 acres in Okanogan, Garfield, Skamania, Lewis, Snohomish, and Whatcom Counties.

2. At 10 a.m., on July 16, 1965, the lands will be open to such forms of disposition as may by law be made of national forest lands.

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

JUNE 10, 1965.

[F.R. Doc. 65-6337; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3698]

[Washington 05777]

WASHINGTON

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) as amended and supplemented, it is ordered as follows:

1. The order of the Bureau of Reclamation dated June 1, 1947, concurred in by the Bureau of Land Management on June 18, 1947, withdrawing lands for the Columbia Basin Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 15 N., R. 23 E.,
Sec. 2, lots 1, 2, S½NE¼, S½;
Sec. 10, lots 1, 4, 5, 8;
Sec. 12;
Sec. 14;
Sec. 24, N½;
Sec. 28, NW¼SW¼.
T. 15 N., R. 24 E.,
Sec. 2, lots 1, 2, 3, 4;
Sec. 4, lots 1, 2, 3, 4;
Sec. 6;
Sec. 8;
Sec. 10, W½E½, SW¼;
Sec. 12, N½, SW¼;
Sec. 14;
Sec. 18;
Sec. 20, N½, N½S½;
Sec. 22, N½, N½S½;
Sec. 24, N½.
T. 15 N., R. 25 E.,
Sec. 2;
Sec. 4;
Sec. 8, S½;
Sec. 10;
Sec. 12;
Sec. 18.

T. 15 N., R. 26 E.,
Sec. 4, S½N½, S½;
Sec. 6, N½, SW¼, W½SE¼, SE¼SE¼;
Sec. 8;
Sec. 10;
Sec. 12;
Sec. 18, N½N½.
T. 15 N., R. 27 E.,
Sec. 8;
Sec. 10, S½NE¼, NW¼, S½;
Sec. 12, S½;
Sec. 14;
Sec. 24, N½N½.

The areas described aggregate 16,174.93 acres in Grant County, of which lots 1, 2, 3, and 4, of sec. 4, T. 15 N., R. 24 E., have been patented.

The lands are located on the top or slopes of the Saddle Mountains. Vegetative cover is brush and native grasses and forbs.

2. Until 10 a.m., on December 9, 1965, the State of Washington shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws after 10 a.m., on December 9, 1965.

Inquiries concerning the lands should be addressed to the Officer in Charge, District Field Office, Bureau of Land Management, Spokane, Wash.

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

JUNE 10, 1965.

[F.R. Doc. 65-6338; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3699]

[Oregon 013542; 013543; 013544]

OREGON

Powersite Restoration No. 599; Powersite Cancellations No. 184 and No. 185; Revocation of Certain Power Withdrawals; Opening Lands Subject to Section 24, Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Acts of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), June 9, 1916 (39 Stat. 218), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA–493–Oregon, it is ordered as follows:

1. The Executive Orders of July 10, 1912, and December 12, 1917, establishing Powersite Reserves No. 285, and Nos. 661 and 664, respectively, and the departmental orders of December 12, 1917, and January 21, 1927, creating Water Power Designation No. 14 and Powersite Classification No. 164, respectively, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 17 S., R. 1 E.,
Sec. 16, SE¼NE¼, NW¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 19, lot 10.
T. 16 S., R. 2 E.,
Sec. 34, SW¼SE¼.
T. 17 S., R. 2 E.,
Sec. 1, lot 3.
T. 16 S., R. 3 E.,
Sec. 32, S½NW¼.
T. 17 S., R. 3 E.,
Sec. 5, lot 5;
Sec. 8, NE¼NE¼.
T. 16 S., R. 4 E.,
Sec. 11, SW¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼.
T. 15 S., R. 5 E. (unsurveyed),
Sec. 31, SW¼NW¼, NW¼SW¼, S½SW¼, and SE¼.
T. 16 S., R. 5 E.,
Sec. 6, E½ and E½W½;
Sec. 7, E½, E½W½, and SW¼SW¼;
Sec. 13, N½NW¼;
Sec. 14, lots, 3, 4, 5, N½NE¼, NE¼NW¼, and S½SW¼;
Sec. 15, lots 9, 10, N½SE¼SW¼, N½SW¼SE¼, and SE¼SE¼;
Sec. 16, lots 8 and 9;
Sec. 17, SW¼NW¼, and N½N½NW¼SW¼;
Sec. 18, SE¼NE¼, NE¼SE¼SW¼, and S½SE¼SW¼;
Sec. 21, SE¼NE¼, and W½NW¼;
Sec. 22, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼NW¼, and N½SW¼.
T. 17 S., R. 5 E. (unsurveyed),
All lands withdrawn under Power Site Classification No. 164 within secs. 16 and 34 and all other lands in said township not also withdrawn by Public Land Order No. 1808 for the use of the Corps of Engineers for the Cougar Project.
T. 18 S., R. 5 E. (unsurveyed),
All lands situated within one-fourth mile of South Fork McKenzie River which, on the basis of latest protraction data, lie within secs. 2, 4, 10, 11, 13, 14, 15, 22, 35, and 36.
T. 18 S., R. 5½ E. (unsurveyed),
All those tracts originally described in Power Site Classification No. 164 as being within one-fourth mile of South Fork McKenzie River in secs. 32 and 33 and now more properly described on the basis of latest protraction data as being in secs. 31 and 32, T. 18 S., R. 6 E.
T. 19 S., R. 5½ E. (unsurveyed),
All lands within one-fourth mile of South Fork McKenzie River which on the basis of latest protraction data lie in secs. 1, 2, 3, 4, and 5.
T. 14 S., R. 6 E.,
Sec. 36, E½NE¼ and SE¼.
T. 15 S., R. 6 E.,
Sec. 1, NE¼;
Sec. 2, SE¼SE¼;
Sec. 12, S½NE¼;
Sec. 13, S½NE¼ and N½SE¼;
Sec. 22, All portions within one-fourth mile of Deer Creek or one-half mile of McKenzie River;
Sec. 27, All portions within one-half mile of McKenzie River;
Sec. 34, All portions within one-half mile of McKenzie River;
Sec. 35, W½W½ and all lands withdrawn in Power Site Classification No. 164 lying within one-half mile of McKenzie River and Ollalie Creek and within one-fourth mile of Deer Creek from its mouth to a point one mile upstream, all within secs. 1, 2, 11, 12, 13, 14, 22, 23, 24, 26, 27, 34 and 35 except those tracts in the N½NE¼ of sec. 11 SE¼SW¼ of sec. 12, and E½NW¼ of sec. 13.
T. 16 S., R. 6 E.,
Sec. 1, lots 8, 13, NE¼SW¼, and S½SW¼;
Sec. 2, lots 11 to 23 incl., 27, 28, and 29;
Sec. 7, lot 4 and SE¼SW¼;
Sec. 9, lots 7, 8, 9, 10, 11, 12, and S½NW¼;
Sec. 10, lots 13, 14, and E½SE¼;
Sec. 11, lots 10 to 18 incl., SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 12, NW¼, and NW¼SW¼;
Sec. 13, lots 3, 4, 5, 6, and 7;
Sec. 14, lots 4, 5, 9, SW¼, NW¼SE¼, and S½SE¼;
Sec. 15, SE¼NE¼, NW¼, N½SE¼, and SE¼SE¼;
Sec. 16, N½;
Sec. 17, lots 2, 8, 9, S½N½, N½S½, SE¼SW¼, and SW¼SE¼;
Sec. 18, lots 7, 8, 11, and NE¼SE¼;
Sec. 19, lots 5, 6, and 7;
Sec. 20, S½SE¼;
Sec. 21, SW¼, N½SE¼, and SW¼SE¼;
Sec. 23, N½N½;
Sec. 24, lots 1 to 11 incl., 13, and SW¼SE¼;
Sec. 26, lots 3, 4, 5, 6, 7, 8, and SW¼NW¼;
Sec. 27, NE¼, E½NW¼, and SE¼;
Sec. 28, NW¼NE¼, S½NE¼, and E½NW¼;
Sec. 30, lots 1 and 2;
Sec. 35, lots 1, 2, 3, 4, 7, and 8;
Sec. 36, W½NW¼, and E½SW¼.
T. 17 S., R. 6 E. (unsurveyed),
All lands as originally withdrawn in Powersite Classification No. 164 in said township except those which, on the basis of latest protraction data, are more properly described as lying within one-fourth mile of Horse Creek and Separation Creek in sec. 1, T. 17 S., R. 6 E., and in secs. 13 and 14, T. 17 S., R. 6½ E.
T. 18 S., R. 6 E., (unsurveyed),
All those lands as originally withdrawn in Powersite Classification No. 164 lying within one-fourth mile of Horse Creek, now more properly described on the basis of latest protraction data as being in secs. 34, 35, and 36, T. 17 S., R. 6½ E., and in sec. 1, T. 18 S., R. 6½ E.
T. 14 S., R. 7 E.,
Sec. 8, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 9, lot 1 and NW¼SW¼;
Sec. 17, E½ and E½SW¼;
Sec. 20, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 30, E½;
Sec. 31, lots 1, 2, 3, 4, NE¼, E½NW¼, and NE¼SW¼.
T. 17 S., R. 7 E.,
All lands as originally withdrawn in Power Site Classification No. 164 except those more properly described on the basis of latest protraction data as lying within one-fourth mile of Separation Creek and being in secs. 21, 22, 23, 27, and 28.
T. 18 S., R. 7 E.,
Sec. 7;
Sec. 8, S½N½ and N½S½;
Sec. 9, SW¼;
Sec. 15, SW¼;
Sec. 16;
Sec. 17, N½ and SE¼;
Sec. 21, N½ and SE¼;
Sec. 22;
Sec. 23;
Sec. 26, N½;
Sec. 27, N½.

The areas described, including the public, national forest, and revested Oregon and California Railroad grant lands, aggregate approximately 20,262 acres.

Most of the lands are in the Willamette National Forest.

2. In DA-493-Oregon, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for preliminary permits, and licenses, for Projects Nos. 852, 1068, and 2059, for the following described lands:

WILLAMETTE MERIDIAN

T. 17 S., R. 3 E.,
Sec. 5, lot 5.
T. 14 S., R. 6 E.,
Sec. 36, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 15 S., R. 6 E.,
Sec. 1, NE¼;
Sec. 12, S½NE¼.
T. 16 S., R. 6 E.,
Sec. 3, lots 1, 2, 7, 10, 11, 14, and 15;
Sec. 10, lot 5 and N½NW¼.
T. 13 S., R. 7 E.,
Sec. 31, lot 1, N½NE¼, and NE¼NW¼;
Sec. 32, NW¼NW¼, S½NW¼, E½SW¼, and SW¼SE¼.
T. 14 S., R. 7 E.,
Sec. 5, lots 2, 5, 6, 7, 8, SW¼NE¼, and SE¼SE¼;
Sec. 8, lots 1 to 8, inclusive;
Sec. 9, lot 1, SW¼NW¼, and NW¼SW¼;
Sec. 17, NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 20, S½SW¼, and SW¼SE¼;
Sec. 29, NW¼ and W½SW¼;
Sec. 30, E½;
Sec. 31, lots 2, 3, 4, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32 NW¼NW¼.
T. 15 S., R. 7 E.,
Sec. 6, lot 1.

The areas described aggregate approximately 3,292 acres. About 1,500 acres form a part of the lands described in paragraph 1, of the order.

3. In DA-493-Oregon, the Federal Power Commission determined that the value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

T. 17 S., R. 1 E.,
Sec. 16, lots 1 to 7 incl., NE¼NE¼ and SW¼NE¼.
T. 16 S., R. 2 E.,
Sec. 28, lot 9;
Sec. 33, lot 2;
Sec. 35, lot 6.
T. 17 S., R. 2 E.,
Sec. 1, lot 4;
Sec. 2, lot 4.
T. 16 S., R. 3 E.,
Sec. 31, lots 7, 8, 9, and 10.
T. 17 S., R. 3 E.,
Sec. 3, lot 2 except the north 20 acres;
Sec. 4, lots 5, 6, 7, and NW¼NW¼;
Sec. 5, lots 1, 4, and NE¼SE¼;
Sec. 9, lots 3, 4, 5, S½NE¼, SE¼NW¼ and NE¼SW¼.

The areas described aggregate approximately 1,041 acres.

4. Until 10 a.m. on December 9, 1965, the State of Oregon shall have the preferred right of application to select the public lands for school indemnity purposes, as provided by R.S. 2276, as amended (43 U.S.C. 852).

5. At 10 a.m. on December 9, 1965, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 9, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. The national forest lands and revested Oregon and California Railroad grant lands shall be open at 10 a.m. on July 16, 1965, to such forms of disposition as may by law be made of such lands.

7. Any disposals of the lands described in paragraph 3 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determination.

8. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6339; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3700]

[Anchorage 023000]

ALASKA

Withdrawing Lands for Use of Department of the Air Force as Recreation Sites; Revoking Public Land Order No. 1350 of October 23, 1956

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public lands laws, including the mining laws (ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws and reserved for use of the U.S. Air Force as recreational sites:

SEWARD MERIDIAN

Naknek Recreation Camp Site No. 1

T. 18 S., R. 44 W. (Unsurveyed),
Sec. 4, S½NE¼SW¼SW¼, N½SE¼SW¼SW¼, and SW¼SE¼SW¼SW¼.

Naknek Recreation Camp Site No. 2

T. 17 S., R. 44 W.,
Sec. 25, N½SE¼NE¼SE¼ and N½S½SE¼NE¼SE¼.
T. 17 S., R. 43 W. (Unsurveyed),
Sec. 30, SW¼NW¼NW¼SW¼ and NW¼SW¼NW¼SW¼.

The areas described aggregate 20.26 acres.

2. Public Land Order No. 1350 of October 23, 1956, which withdrew the following described lands for use of the Department of the Air Force as recreational sites, is hereby revoked:

Naknek Recreational Camp Site No. 1

Beginning at a point where N latitude 58°-38' line intersects the mean high water mark on the NW shore of the Naknek River, in the vicinity of Naknek Air Force Base, Alaska, thence:
Southerly 410 feet along high water mark;
W. 520 feet;
N. 750 feet;
E. 625 feet;
S. 375 feet to the point of beginning.

The tract described contains approximately 10 acres.

Naknek Recreational Camp Site No. 2

Beginning at a point where W longitude 156°28' line intersects the mean high water mark on the N shore of the Naknek River near the confluence of Naknek Lake, thence:
N. 625 feet;
E. 750 feet;
S. 400 feet to the said high water mark on the N shore of the Naknek River; thence

meandering southwesterly along the mean high water mark of Naknek River 770 feet to the point of beginning.

The tract described contains approximately 10 acres.

3. Until 10 a.m. on September 9, 1965, the State of Alaska shall have a preferred right to select the lands described in paragraph 2 hereof as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9.

4. This order shall not otherwise become effective to change the status of the lands described in paragraph 2 hereof until after 10 a.m. on September 9, 1965, at which time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, received at or prior to 10 a.m. on September 9, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6340; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3701]

[Misc-88702]

COLORADO, CALIFORNIA, AND ARIZONA

Withdrawal for Protection of Natural Areas on the Public Lands; Correction and Partial Revocation of Public Land Order No. 3530 of January 29, 1965

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby with-

drawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30, U.S.C.), for the protection of unique scientific and recreation values:

COLORADO

SIXTH PRINCIPAL MERIDIAN

Sand Dune Area

T. 10 N., R. 79 W.,
Sec. 1, lot 1, SE¼NE¼, and NE¼SE¼.

Containing 120.07 acres in Jackson County.

CALIFORNIA

MOUNT DIABLO MERIDIAN

Piute Cypress Areas

T. 27 S., R. 32 E.,
Sec. 24, SE¼ and E½SW¼;
Sec. 25, NE¼ and NE¼NW¼.

Containing 440 acres in Kern County.

ARIZONA

GILA AND SALT RIVER MERIDIAN

Turbinella and Gambel Oak Area

T. 39 N., R. 13 W.,
Sec. 18, lots 3 and 4, and E½SW¼.

Containing 153.98 acres Mohave County.

2. The description of lands withdrawn for the rare lizard and snake area, by Public Land Order No. 3530, is amended to read:

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

Rare Lizard and Snake Area

T. 36 N., R. 20 W.,
Sec. 22, lots 3, 4, 7, 8, and SE¼;
Sec. 27, lots 1, 2, 5, and 6.

Containing 443.39 acres in Montezuma County.

3. Public Land Order No. 3530 of January 29, 1965, is hereby revoked so far as it affects the following described lands:

ARIZONA

GILA AND SALT RIVER MERIDIAN

Turbinella and Gambel Oak Area

T. 39 N., R. 14 W.,
Sec. 12, SE¼ and E½SW¼.

Containing 240 acres in Mohave County.

CALIFORNIA

MOUNT DIABLO MERIDIAN

Piute Cypress Area

T. 27 S., R. 35 E.,
Sec. 24, SE¼ and E½SW¼;
Sec. 25, NE¼ and NE¼NW¼.

Containing 440 acres in Kern County.

4. At 10 a.m., on December 9, 1965, the lands released from withdrawal by paragraphs 2 and 3 of this order, shall be open to disposition under the public land laws generally, subject to valid existing rights the provisions of existing withdrawals, and the 6-month preference right filing period afforded certain States by R.S. 2276 as amended.

5. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under leases, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

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

JUNE 10, 1965.

[F.R. Doc. 65-6341; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3702]

[Sacramento 078663]

CALIFORNIA

Withdrawal of Land for Public Recreation Site

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

1. Subject to valid existing rights and to the limitations imposed by paragraph 3 of this order, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30, U.S.C.), and reserved for a public recreation site:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 11 W.,
Sec. 1, lot 12, NW¼NE¼SW¼, and NE¼NW¼SW¼.

The areas described contain approximately 60 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. Nothing in this order shall prevent the filing of an application by the State of California for the disposition of the lands withdrawn by this order under the Recreation and Public Purposes Act, as amended (43 U.S.C., secs. 869-869.4).

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

JUNE 10, 1965.

[F.R. Doc. 65-6342; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3703]

[Idaho 06855]

IDAHO

Partial Revocation of Public Land Order No. 1898 of July 13, 1959

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

1. Public Land Order No. 1898 of July 13, 1959, so far as it reserved the following described public lands under the jurisdiction of the Secretary of the Interior as a safety measure for the protection of the public, is hereby revoked:

BOISE MERIDIAN

T. 6 S., R. 2 E.,
Sec. 34.

T. 7 S., R. 4 E.,
Sec. 3, S½.

The areas described aggregate 960 acres in Owyhee County.

The land has a long, gentle eastward slope with a few small knolls. Soils are predominantly a deep silt loam, slightly gravelly in places. Principal vegetation is shadscale.

2. The area has been used by the Department of the Air Force as a bombing range. That Department has had the lands thoroughly searched. The lands have been cleared of all explosive ordnance and residue reasonably possible to detect. However, all buried ordnance may not have been detected. To that extent, use of the land involves danger.

3. Until 10 a.m., on December 9, 1965, the State of Idaho shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to application, petition, location and selection generally, including applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The lands will be open to location under the United States mining laws after 10 a.m., on December 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

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

JUNE 10, 1965.

[F.R. Doc. 65-6343; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3704]

[Anchorage 028640]

ALASKA

Revocation of Public Land Order No. 1752 of November 12, 1958

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

1. Public Land Order No. 1752 of November 12, 1958, which withdrew the following described land for use of the Department of the Air Force for military purposes, is hereby revoked:

SEWARD MERIDIAN

T. 5 S., R. 13 W.,
Sec. 29, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼.

The areas described aggregate 320 acres of public and nonpublic lands. The lands are located about 5 miles N. of Homer, Alaska. The soil is shallow, supporting a vegetative cover of native grasses and scattered stands of spruce and aspen. Seventy acres of the lands,

being the S½SE¼NW¼, NE¼SW¼, S½NW¼NW¼SE¼, and N½SW¼NW¼SE¼, have been patented.

2. Until 10 a.m., on September 9, 1965, the State of Alaska shall have a preferred right to select the public lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9 (formerly 43 CFR, Part 76).

3. This order shall not otherwise become effective to change the status of the public lands until 10 a.m., on September 9, 1965. At that time they shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State of Alaska received at or prior to 10 a.m., on July 16, 1965, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6344; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3705]

[Anchorage 061629]

ALASKA

Partly Revoking Executive Order No. 8278 of October 28, 1939

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 8278 of October 28, 1939, withdrawing the eastern portion of Kodiak Island for naval purposes, is hereby revoked so far as it affects the following described lands:

GIBSON COVE AREA

KODIAK ISLAND, ALASKA

Starting at corner No. 1 of U.S. Survey No. 2539, which is located at latitude 57°47' N. and longitude 152°26'30" W., and is the true point of beginning of this description; thence
W. 7,700 feet to a point on the 1–2 line of USS 2539;
S. 45°00' E. to a point on the 3–4 line of USS 1673;
N. 363.36 feet to corner No. 3 of USS 1673;
E. 2,459.82 feet to corner No. 2 of USS 1673;
S. 990.0 feet to corner No. 1, meander corner of USS 1673; thence following the meanders of USS 1673 around the head of Gibson Cove;
S. 50°00' W., 84.48 feet to a point;
S. 02°30' W., 208.56 feet to a point;
S. 16°45' E., 287.76 feet to a point;
S. 50°30' E., 177.54 feet to a point;
N. 79°00' E., 322.74 feet to a point;
N. 53°30' E., 711.48 feet to a point;
S. 22°30' E., 176.22 feet to a point;
S. 29°15' W., 403.26 feet to a point;
S. 51°45' W., 328.02 feet to a point; thence
S. 57°30' W., 554.40 feet to corner No. 5, meander corner of USS 1673;
W. 831.30 feet to a point on the 4–5 line of USS 1673;
S. 45°00' E., to a point on the 11–12 line of USS 2539;
N. 05°05'30'' W., 8,486.68 feet to corner No. 1 of USS 2539, which is the true point of beginning of this description.

The tract described contains 654.51 acres.

The tract consists mainly of water and marginal lands lying on the northerly shore of St. Paul Harbor on Kodiak Island. About ten acres are the subject of a withdrawal application filed by the Bureau of Sport Fisheries and Wildlife. This tract, therefore, will remain segregated in accordance with the regulations in 43 CFR 2311.1–2(a) (formerly CFR 295.11a) until final action upon the application has been taken.

2. Until 10 a.m., on September 9, 1965, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709, 48 U.S.C. 46–3b) and section 6g of the Act of July 7, 1958 (72 Stat. 339). After that date and hour the lands shall become subject to settlement and to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location under the United States mining laws for nonmetalliferous minerals after 10 a.m., on September 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6345; Filed, June 17, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32248]

PART 131—UNITED STATES SAFETY APPLIANCE STANDARDS (RAILROAD)

Track Motorcars and Pushcars

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., this 20th day of May A.D. 1965.

It appearing, that notice of proposed rule making was issued in the above-entitled proceeding on August 17, 1957 (22 F.R. 6623), pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003), for the purpose of giving effect to the holding of the Supreme Court of the United States in The Baltimore and Ohio Railroad Company v. Daniel T. Jackson (353 U.S. 325 decided May 13, 1957);

It further appearing, that hearing on the matter and things has been held;

And it further appearing, that the Division has, on the date hereof, made and filed its report in this proceeding containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That 49 CFR Part 131, be, and the same is hereby, amended, effective January 1, 1967, by adding thereto two new sections, § 131.25 *Track motorcars (self-propelled 4-wheel cars which can be removed from the rails by men)* and § 131.26 *Pushcars*, reading as follows:

§ 131.25 Track motorcars (self-propelled 4-wheel cars which can be removed from the rails by men).

(a) *Handbrakes (includes foot operated brake).* Each track motorcar shall be equipped with an efficient handbrake so located that it can be safely operated while the car is in motion. Each handbrake shall be equipped with a ratchet or other suitable device which will provide a means of keeping the brake applied when car is not in motion.

NOTE: The requirements of this rule will be satisfied if the ratchet or other suitable device operates in connection with at least one handbrake on track motorcars that may be equipped with more than one such brake.

(b) *Handholds.* One or more safe and suitable handholds conveniently located shall be provided. Each handhold shall be securely fastened to car.

(c) *Sill steps or footboards.* Each track motorcar shall be equipped with safe and suitable sill steps or footboards conveniently located and securely fastened to car when bed or deck of track motorcar is more than 24 inches above top of rail.

(d) *Couplers.* When used to haul other cars, each track motorcar shall be equipped with a coupler at each end where such cars are coupled (1) which provides a safe and secure attachment, (2) which can be coupled or uncoupled without the necessity of men going between the ends of the cars.

§ 131.26 Pushcars.

(a) *Handbrakes.* When used to transport persons, each pushcar shall be equipped with an efficient handbrake so located that it can be safely operated while the car is in motion.

(b) *Handholds (includes handles).* Each pushcar shall be provided with one or more secure handholds. When used to transport persons, each pushcar shall be provided with one or more safe and suitable handholds conveniently located above the top of the bed of each pushcar.

(c) *Sill steps or footboards.* When used to transport persons, each pushcar shall be equipped with safe and suitable

sillsteps or footboards conveniently located and securely fastened to car, when bed or deck of pushcar is more than 24 inches above top of rail.

(d) *Couplers.* When moved together with other vehicles, each pushcar shall be equipped with a coupler at each end where such vehicles are coupled (1) which provides a safe and secure attachment, and (2) which can be coupled or uncoupled without the necessity of men going between the ends of the cars.

NOTE: Sections 131.25 and 131.26 are applicable only when the vehicles governed thereby are coupled together and moved together.

(Sec. 25, 41 Stat. 498, as amended; 49 U.S.C. 26. Secs. 2, 3, 36 Stat. 298; 45 U.S.C. 11, 12. Interpret or apply secs. 4, 6, 27 Stat. 531, 532; 45 U.S.C. 4, 6. Sec. 1, 32 Stat. 943; 45 U.S.C. 8. Sec. 4, 36 Stat. 299, as amended; 45 U.S.C. 13)

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6419; Filed, June 17, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1040, 1042]

[Docket Nos. AO-225-A14, AO-240-A7]

MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICH., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lansing, Mich., on November 16-20 and November 30, 1964, pursuant to notice thereof issued on October 20, 1964 (29 F.R. 14544), and supplemental notice thereof which was issued November 2, 1964 (29 F.R. 14990).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 27, 1965 (30 F.R. 6163; F.R. Doc. 65-4591) 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. 6163; F.R. Doc. 65-4591) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. Under issue 2(a), *Price zones*, paragraphs 25-33 are revised by substituting 15 paragraphs, the third and fourth from last paragraphs are revised by substituting three paragraphs and two new paragraphs are added at the end of the issue.

2. Under issue 2(c), *Pool plant requirements*, paragraphs 13-16 are revised by substituting six paragraphs.

3. A new paragraph is added at the end of issue 2(d), *Classes of utilization*.

4. A new paragraph is added at the end of issue 2(d), *Computation of plant shrinkage*.

5. Under issue 2(e), *Adjusted uniform price*, three new paragraphs are added after paragraph seven.

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

1. Merger of Orders No. 40 and No. 42 and expansion of the marketing area.

2. Appropriate provisions of the consolidated order concerning:

(a) Location differentials;

(b) Class I price and butterfat differentials;

(c) Pool plant requirements;

(d) Classification of milk;

(e) The adjusted uniform price for milk not under the base-excess plan;

(f) Method of pooling;

(g) Milk diverted to Southern Michigan plants from plants regulated by other Federal orders; and

(h) Administrative and miscellaneous 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. *Merger of Orders No. 40 and No. 42 and expansion of the marketing area.* The Southern Michigan and the Muskegon orders should be consolidated. The marketing area of the combined orders should be expanded to cover territory in 18 additional Michigan counties, to wit., all of Alpena, Montmorency, Alcona, Oscoda, Iosco, Ogemaw, Roscommon, Missaukee, Gladwin, Osceola, Lake, Mason, Newaygo, and Oceana Counties and the unregulated parts of Arenac, Clare, Allegan, and Presque Isle Counties. The territory covered by the new order should be called the "Southern Michigan marketing area". The Muskegon order should be revoked.

The Agricultural Marketing Agreement Act specifies that orders shall regulate only the handling of agricultural commodities, or products thereof, which are in the current of interstate or foreign commerce, or which directly burden, obstruct or affect interstate or foreign commerce. Milk handling under the proposed order is in the current of, and burdens, obstructs or affects, interstate commerce in milk and milk products. Milk from farms in Indiana and Ohio is supplied to various Michigan handlers who would be regulated under the consolidated order. These handlers are in direct competition in distribution with handlers who purchase milk produced in Michigan. Handlers and cooperatives in the consolidated market either manufacture milk surplus to bottling needs or ship such milk to manufacturing plants. Some of the products manufactured from producer milk at these plants are shipped outside the State of Michigan.

Merger of orders. Merger of the Southern Michigan and Muskegon orders and expansion of the marketing area were proposed by nine cooperative associations operating in the markets. Proponents testified that the area they proposed has become so closely integrated from a marketing and distribution standpoint that its regulation under a single order now is appropriate. They also said that such a merger and expansion of the orders would more nearly encompass the current major sales territories of handlers in the market and insure uniform pricing to producers of milk distributed throughout such area in the interest of both producers and handlers. Merger of the orders was not opposed.

Southern Michigan is the larger of the two markets proposed for merger. The Southern Michigan marketing area includes most of the central and southeastern portion of the Michigan Lower Peninsula. It extends from Detroit on the east to beyond Grand Rapids and Kalamazoo on the west. Over 300 million pounds of producer milk are pooled under the order each month. The Muskegon marketing area includes territory in three counties in western Michigan. It borders the western edge of the Southern Michigan area. Muskegon and Holland, its principal cities, are both within 40 miles of Grand Rapids in the Southern Michigan area. About 10 million pounds of milk are pooled under the Muskegon order each month.

A close sales relationship has developed between these adjacent markets. The intermarket competition developed as a byproduct of plant expansion and improvements in milk transportation. Handlers in both markets in recent years have increased the capacity of their plants to reduce unit processing costs and to obtain higher returns through increased volume. An enlargement of distribution areas accompanied the increase in plant size. Competition was encouraged by the similar health requirements in the two-market area.

With the expansion of distribution areas, a substantial number of routes originating in each of the present marketing areas now extend into the other. Handlers from several cities in the western portion of the Southern Michigan marketing area have entered the Muskegon market. Grand Rapids handlers, for example, have established regular routes in both Muskegon and Holland. Southern Michigan handlers from Kalamazoo and Carson City have acquired milk routes in Holland. Although in lesser volumes, Muskegon handlers likewise have acquired business in the Southern Michigan marketing area. Most of their sales are in the portion of the Southern Michigan area closest to Muskegon, but some of their routes extend as far east as Greenville, Mich., in Montcalm County.

Under these conditions of close competition, packaged milk sales accounts shift between these markets. Shifts of this type can cause sharp movements in producer blend prices, particularly in the Muskegon market. When large accounts change hands across market lines, Class I use and blend prices move up in one market and down in the other even though Class I use in total is not changed. This type of transfer creates no serious problem in the present Southern Michigan market because of its size. In Muskegon, however, where Class I use is about 6 million pounds, or only 3 percent of the Southern Michigan total, any substantial loss of large accounts, such as supermarkets, for example, can cause significant monthly blend price changes.

The intensity of intermarket competition has increased in recent months. Southern Michigan handlers in particular have increased the proportion of their business in the Muskegon marketing area. The inroads made by the Southern Michigan handlers have reduced

blend prices in Muskegon. Should these acquisitions continue, a major portion of the Muskegon Class I sales would be lost to Muskegon producers. If this happens, Muskegon producer prices can be expected to be subject to variability and frequent readjustment as the Muskegon market attempts to equilibrate with the producer prices of the Southern Michigan market. Shifts of this type sometimes take a considerable amount of time. During the adjustment period the incomes of Muskegon producers would be significantly affected making it difficult for them to operate efficiently.

The overlap of distribution and supply routes has progressed to the point that a separate Muskegon market for producers no longer can be distinguished. In this connection there is strong competition between Southern Michigan and Muskegon handlers for supplies of milk. Handlers in the two markets buy their milk from overlapping milksheds. In Ottawa County, for example, 237 producers sell to Southern Michigan handlers and 185 sell to Muskegon handlers. The relationship is similar in Oceana County. There are 54 producers in that county who ship to Southern Michigan handlers and 40 producers who ship to Muskegon handlers. The Muskegon market has become, in effect, an integral part of the larger Southern Michigan area.

To eliminate these problems the Muskegon order should be merged with Southern Michigan under a marketwide pool. By providing proportionate sharing among all producers of total Class I sales in the market, the merger will stabilize prices and eliminate much of the present price uncertainty connected with shifts of sales accounts back and forth between the markets. Under a merged order there would be no decline in producer incomes attributable to the effects of intermarket competition at the resale level.

As a corollary matter in accomplishing an order merger efficiently and equitably, the assets in the administrative funds of both orders should be consolidated. All currently regulated handlers who contributed to the administrative funds of the separate orders will continue to be regulated under the merged order. Since no handlers would fall from regulation and the liabilities of each of the present funds would be paid from the consolidated fund, it is equitable to employ accumulated monies to defray such liabilities and to carry over any minor balances to be used for administrative costs of the merged order.

Virtually all producers who contributed to the market service funds of the present orders also will continue to supply the expanded market. This makes consolidation of the marketing service funds appropriate since contributing producers would continue to receive similar market services for accumulated monies remaining in the market service funds.

Similarly, merger of the producer-settlement fund balances is warranted because most of the producers for the new market currently supply one or the other market. Producers from the present markets will make up more than 99 percent of the total. Nearly all the money in the separate funds therefore will be reflected in the blend prices of the producers whose money makes up the fund reserves. Under these circumstances, there would be little object in distributing the producer-settlement fund reserves to producers under the separate orders and again accumulating the required reserve for the consolidated order. This would increase administrative expense and would add virtually nothing to returns of producers under the present orders.

Interest should be charged under the consolidated order on overdue payments to and from the administrative, marketing service and producer-settlement funds. Both of the present orders include this requirement. It encourages the prompt payments required for effective operation of the order. Also, following the effective date of the merged order, accrued interest should be payable under the consolidated order on any overdue obligations incurred and still outstanding under the present Southern Michigan and Muskegon orders. This will insure payment of all obligations required by the now separate orders and enhance orderly transition to the merged order.

Basically, the provisions of the present Southern Michigan order will be the provisions of the consolidated order. This was contemplated by proponents of the merger. Most of the provisions of Order No. 40 have worked satisfactorily in the dominant Southern Michigan market which currently regulates about 95 percent of the milk to be covered by the new order. Further, many of the provisions in the present Muskegon order are similar to those in the present Southern Michigan order. In general, Order No. 40 provisions therefore should work satisfactorily as the basic provisions of the consolidated order. Certain of the Order No. 40 provisions are expressly modified herein, of course, in accordance with proposals considered at the hearing. These modifications are discussed in the findings and conclusions on the other material issues of the hearing.

Marketing area expansion. The marketing area of the consolidated order should include also the counties of Alpena, Montmorency, Alcona, Oscoda, Iosco, Ogemaw, Roscommon, Missaukee, Gladwin, Osceola, Lake, Mason, Newaygo, and Oceana in Michigan. Further, the portions of Arenac, Clare, and Allegan Counties which are not now included under either the Muskegon or Southern Michigan order and the part of Presque Isle County which is not within the Upstate Michigan order should be added to the marketing area. Such territory has become a primary distribution area for handlers regulated by the present orders.

Most of this new territory lies between the marketing areas of Orders No. 40 and No. 42 and the Upstate Michigan (Order No. 43) marketing area. It includes all unregulated territory in a band of 16 counties which begins at midstate on the west and extends generally northeastward across the entire Lower Peninsula of Michigan. Southern Michigan and Muskegon regulated handlers have important distribution outlets throughout this entire area. From their plants in Flint, Bay City, Saginaw, Lansing, Carson City, Grand Rapids, and Muskegon, they sell milk in virtually every sizable community in these counties.

Nearly two-thirds of the milk sold throughout the 16 counties is distributed by Southern Michigan and Muskegon handlers. Including the above area in the marketing area would bring under full regulation as pool handlers six known distributors who engage primarily in the sale of milk in fluid form but who are not now under any order. Such distributors referred to in the record are located in Scottville (Mason County), Ludington (Mason County), Lake City (Missaukee County), Marion (Osceola County), Reed City (Osceola County), and Tawas City (Iosco County), Mich. There was no opposition by any of the latter distributors or by any other persons to adding such counties to the marketing area.

At present no supervised, classified pricing plan prevails in any of the above areas. Most of the unregulated handlers located in the counties maintain relatively high Class I use at their plants and commonly pay a flat price for their milk regardless of utilization. This practice provides them opportunity to buy milk for sale there in fluid form at prices considerably below the minimum Class I prices required to be paid by regulated handlers. For example, an unregulated handler from Scottville, Mich., purchases milk without regard to utilization at a price equal to the blend price received by Muskegon area producers. Farmers selling milk to this handler do not consistently supply his full plant needs, however, and supplemental milk is bought from the nearby Muskegon market. The proportion of his dairy farmer supply utilized in Class I regularly exceeds that of the Muskegon market by a considerable margin. Payment on the basis of the Muskegon area blend price (which for the first 9 months of 1964 reflected an average Class I use of 60 percent of producer receipts) provided a significantly lower price for this distributor as compared to regulated handlers who are required to pay not less than minimum order Class I prices.

The marketing area should be extended to cover the above-mentioned counties in order to assure regulated handlers that as to these areas of distribution currently unregulated competitors will not be afforded significant price advantage on milk for fluid distribution there. There was general support by both handlers and producer associations in the Southern Michigan and Muskegon markets for inclusion of the above counties in the marketing area.

Newaygo County is located south of the above group of counties. It borders Muskegon and Kent Counties in which are located Muskegon and Grand Rapids—major cities in the present marketing areas. Newaygo County thus is adjacent to other important sales territories of regulated handlers. Moreover, Muskegon, Grand Rapids, and Lansing regulated handlers distribute 65 percent of all milk sold within this county.

Producers who supply the Newaygo County unregulated distributor testified in opposition to the inclusion of Newaygo County on the basis that such distribu-

tor pays for milk on a classified price basis. There is no assurance at present, however, that all fluid milk sold from his plant is paid for at a price equivalent to the minimum Class I price required to be paid by regulated handlers selling in the county. Full regulation is required to place this unregulated distributor on the same price and accounting basis as his regulated competitors.

In Allegan County, which is located south of Muskegon, an Order No. 40 handler from Kalamazoo, Mich., has important distribution. Also, two Order No. 40 handlers and an Order No. 42 handler have plants located in this county. The most populous portion of the county and a majority of the milk sold in the county already are under regulation. The record indicates the possibility that there may be one unregulated handler distributing in the county. There was no opposition to including the remainder of the county in the marketing area.

Territory occupied by local, state, or Federal reservations, installations, or institutions geographically located within the defined marketing area should be part of the area to be regulated. Waterfront facilities and craft moored thereat which are within such area also should be covered. Such government facilities and waterfront locations on Lake Erie and Lake Michigan are important sales outlets for regulated handlers. They should be included in the marketing area in order that regulated handlers will not be forced to compete at a disadvantage with unregulated distributors for such business. The order should specify clearly that all premises within such facilities are to be considered as part of the marketing area and that all handlers distributing there are subject to the terms of the order which are applicable to their operations.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Class I milk may be sold within the regulated marketing area from certain plants not under any Federal order. One source of such milk is a plant located outside the marketing area which distributes in the marketing area less than 600 pounds of milk per day. Such a plant is made exempt from regulation because it is not considered to be a significant competitive factor in this large market. Another source of milk not subject to full regulation is a plant which fails to qualify as a pool distributing plant because its distribution of fluid milk products on routes is less than required for pooling status. However, significant amounts of milk could be distributed in the marketing area from this latter source which would have a disruptive effect on marketing unless some method is used to integrate it into the regulatory plan. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants of the latter type would not jeopardize orderly marketing conditions within the regulated marketing area under present circumstances. Official notice is taken of the June 19, 1964, decision (29 F.R. 9002) supporting amendments to several orders, including the Southern Michigan and Muskegon orders, which deal with the treatment of unregulated milk in the regulatory scheme.

Under the method of partial regulation continued in the consolidated order, the operator of a partially regulated distributing plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price on all Class I sales made in the marketing area, (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his disposition within the marketing area, or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter is an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales in the marketing area of milk not fully regulated (pooled) from adversely affecting the operation of the order and the fully regulated milk.

2. (a) *Location differentials.* The location adjustment rates applicable to Class I and producer prices under the order should be modified to reflect more accurately the location values of milk delivered to various points in the Southern Michigan marketing area.

Price zones. Historically, Detroit distributing plants relied for a major proportion of their milk supplies on milk assembled at and transshipped from country receiving stations and supply plants located beyond a 50-mile radius from the city. Milk was delivered to the country plant locations in cans. In recent years there has been a general conversion by producers throughout the milkshed to the bulk tank method of delivery and such method now is dominant in the market. Approximately 85 percent of the producer milk is being shipped from farm to plant in this way. Virtually all distributing plants outside Detroit and its environs are fully supplied directly from producers' farms by the bulk tank method. This is particularly the case in cities such as Flint, Bay City, Saginaw, Lansing, Kalamazoo, Grand Rapids, and Muskegon.

The Metropolitan Detroit area includes approximately 50 percent of the population of the marketing area and requires about 100 million pounds of Class I milk per month (one-third of the producer milk in the market). The fact that bulk tank routes may extend as far as 100 miles from the plant, as compared to a 50-mile maximum distance of direct-delivery can routes a few years ago, has resulted in a fourfold increase in the direct-shipment procurement area available to Detroit distributing plants. Today approximately 15 percent of the producers' farms are located within 50 miles of Detroit while about 60 percent of the farms are within 100 miles of Detroit. Thus, on a direct-shipment basis there are within 100 miles of the city supplies adequate to Detroit's fluid needs. Although nearly one-third of the Detroit fluid requirements still are furnished through country receiving plant assembly, bulk tank handling has made it practicable to supply all distributing plants in the Detroit area on a direct farm-to-plant basis.

The location adjustment rate structure under the present Southern Michigan order was adopted in February 1960, based upon evidence adduced at a hearing held in January 1959. With the nearly complete conversion to bulk tanks since that time and an improved highway network in southern Michigan with superhighways connecting most of the principal urban centers with Detroit, there has been a great increase in efficiency in handling. Because of the resultant reduced costs, the location values of milk in various parts of the milkshed have been altered significantly since 1959.

The problem of location pricing at hand is essentially one of recognizing in the minimum price structure the new reduced cost patterns for moving raw milk to various plant outlets and insuring an adequate supply to each of the several consuming centers in the marketing area which in several instances are located in principal producing counties of southern Michigan. Concerning the Metropolitan Detroit area, the present minimum price structure does not provide sufficient incentive for bulk tank producers within direct-delivery range of the city to ship directly to Detroit since they may realize a higher net return for delivering their milk to Zone I distributing plants outlying from Detroit or to country supply plants which are generally closer to their farms. This is the result primarily of inadequate compensation to the direct-delivery pro-

ducer relative to producers at outlying plants to offset higher hauling costs to Detroit caused by the lack of adequate return to direct-delivery producers on their excess milk (over base), the longer distance traveled, and the increased time consumed by haulers under congested traffic conditions.

Because Detroit is by far the largest of the consuming centers in the marketing area and must obtain the largest volumes and reach the farthest distances for milk as compared to other marketing area cities, it is in important competition with some of the other cities for supplies. Most other cities of the marketing area need reach out a radius of only 10–25 miles in order to find necessary supplies. These secondary consuming centers compete with each other for supplies and their hauling rates are very similar. Also, the hauling rates to the latter for farm-to-plant delivery generally are lower than for farms in similar vicinity shipping to Detroit. There is a tendency, however, for Detroit to draw milk in competition with such markets as Jackson and Lansing and for the latter in turn to compete with cities to their west, such as Kalamazoo, Grand Rapids, and Muskegon. A reasonable schedule of location adjustments should recognize this competition in supply procurement and, in the interest of marketing efficiency, encourage the movement of producer milk needed at fluid market outlets at the lowest possible cost to producers.

Producer associations in the market submitted a variety of proposals on location pricing. Several associations proposed area zoning which would modify the area zone structure in the present Southern Michigan order by employing a plus 3-cent "direct-delivery" differential on producer milk delivered from farms to Metropolitan Detroit plants and reducing the range of minus adjustments applicable on such milk delivered to plants in zones outside the present Zone I (zero differential) from a range of 7–20 cents to a range of 3–15 cents, generally in proportion to distance from Zone I. Zone boundaries would be modified to some extent. Another association proposed a somewhat similar price structure with the same plus direct-delivery differential but with lesser differentials applicable in outlying zones.

Another producer proposal would apply a minus differential of 5 cents at all supply plants wherever located, or, contrariwise, a direct-delivery differential of 5 cents at all distributing plants. One association proposed that the consolidated order provide only a plus 5-cent direct-delivery differential at Detroit plants with no minus adjustments at other locations.

Handler proposals varied from one suggesting complete elimination of location differentials to retention of the present zone structure. Several handlers suggested that either no direct-delivery differential should apply at Detroit plants or a differential should apply only on Class I or base milk rather than on all deliveries of the producer. One handler proposed adoption of location adjustments strictly on mileage zoning (in contrast to area zoning), as employed in the Detroit order before the marketing area was enlarged in February 1960.

Adjustments to producer prices for location should reflect the relative value of milk delivered to city distributing plants as compared to milk delivered to supply plants and receiving stations.

Historically, location adjustment rates in the market were based on the cost of moving milk from receiving (assembly) plants outlying from Detroit distributing plants. With bulk tanks the direct-delivery area has expanded so that all distributing plants in the market are now within range of an adequate supply by direct-delivery. Direct-delivery by bulk tank has become the most prevalent method of delivery in the market and represents the lowest cost method of getting milk from the farm to the population centers in the market. With the development of bulk tank handling the need for country receiving stations is diminishing. In general, the variation in bulk tank hauling rates based on distance traveled is about 1 cent per 10 miles radius from the plant. Typical hauling rates on routes up to a 20-mile radius are 20 cents, up to a 75-mile radius 25 cents, and up to a 120-mile radius 30 cents.

Under the past method of supplying Detroit's needs for whole milk; i.e., the receipt of milk at country receiving stations and its transshipment to city bottling plants, the order specified certain rates for location of plant as an allowance for movement of the milk from the country plant to the city. These rates were (and still are) applicable to Class I and base prices. However, the handler of the city distributing plant purchasing from a country plant operated by a cooperative customarily has paid, over and above the Class I price at the country receiving plant location, a plant handling charge and any transportation charge applied in excess of the location adjustment allowed under the order. At the time of the hearing the additional transportation charge most commonly imposed by cooperative sellers was 5 cents per hundredweight and the country plant handling charge was 14 cents per hundredweight. In certain other instances the proprietary handler incurs the equivalent of such cost of country receiving by operating his own receiving station.

The value to a handler of direct-delivered milk is related to the lowest cost of an alternative supply which meets his requirements. When abundant supplies are available from a relatively large number of producers who are delivering to nearby pool plants and being paid the order minimum prices, only a small increment is needed to induce an adequate supply of direct-delivered milk at a given location. If the best alternative source is direct receipts from producers in a more distant area, direct delivery from the nearby producers is worth the price which must be paid in the more distant territory plus the additional cost of transporting milk from that distant territory. If the best alternative supply is milk from a country supply plant, the worth of direct-delivery milk will be related to the class price at that plant plus the charge for country plant handling and hauling.

The extra value of milk received at the city location as compared to its value when received at the country assembly point has been well established in the past by the prices and charges necessary to induce movement of the needed supplies to Detroit. This value relationship has been altered, however, by the fact of the relatively new and lower cost bulk tank delivery method, but a higher value of milk delivered at Detroit still prevails. Even with bulk tank handling the Class I price level at Detroit must be sufficiently above the levels at outlying plant locations in the milkshed to induce the delivery of whole milk to Detroit for its principal uses there.

Bulk tank handling in this area has progressed to the point that the most likely alternative source to replace nearby milk for Detroit is direct receipts from producers in a more distant territory. Therefore, the relative location values of producer milk under today's conditions are reflected in the differences in hauling cost to deliver to a Detroit plant as compared to delivery to an outlying plant. In order to encourage the delivery of milk to Detroit (and to the other consuming centers) by the most efficient means, these differences in cost should be reflected in the minimum price structure to producers. As part of a modified location pricing plan, a "direct-delivery differential", or plus zone adjustment, on all milk of the producer direct-delivered from farms to plants located in and near Metropolitan Detroit, as proposed by several producer groups, therefore should be adopted.

While the focal point of the location price structure in the marketing area is Detroit, there are, however, several important secondary markets or population centers within the marketing area at varying distances from Detroit. The location price structure therefore should be such that adequate supplies of milk will be attracted to these cities as well as to Detroit. To accomplish these purposes a zone price structure similar to the one presently employed in the Southern Michigan order, but appropriately modified to fit today's marketing conditions, will best reflect the location utility of milk at various other points in the marketing area and milkshed.

A direct-delivery differential of 4 cents per hundredweight should be applicable to all milk received from farms at plants located in the townships of Royal Oak and Southfield of Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle. This area represents the most densely populated urban area of Metropolitan Detroit.

Under the present Southern Michigan order there is no price differential between Detroit and the outlying cities of Ann Arbor, Pontiac, Port Huron, Flint, Saginaw, and Bay City, which together constitute the population centers of present Zone I which are outlying from Metropolitan Detroit. A 4-cent per hundredweight differential at Metropolitan Detroit plant locations relative to the remainder of Zone I as defined in this

decision (which varies slightly from present Zone I) on milk direct-delivered to plants so located should provide an adequate return to producers to offset the relatively high cost of hauling to plants in this congested portion of the marketing area.

Some producer associations proposed that the direct-delivery zone price be 3 cents per hundredweight while others proposed that it be as much as 5 cents per hundredweight. Proponents of the 3-cent differential stated that it takes at least 3 cents per hundredweight additional to induce haulers to negotiate the congested traffic condition in Detroit as compared to hauling the milk to plants in the fringe area or suburbs of the city. One witness stated that hauling rates into Detroit from the "thumb" area to the north average about 5 cents greater than hauling rates on milk from the same area delivered to Pontiac (25 miles north of the City Hall in Detroit). Other witnesses stated that hauling rates on some routes originating about 60 miles west of Detroit were 5 cents greater into Detroit than to plants in the vicinity of the farms.

Ideally, the amount of the differential should reflect the added direct-delivery cost of transporting milk to Detroit plants compared to delivery to other Zone I plants and various supply plants. Since these plants are at varying distances from near-in Detroit plants, it is not possible to establish one differential which precisely reflects the additional hauling costs to such plants from each other location. However, the amount of the differential between Detroit and nearby cities should not be significantly greater than the added hauling cost involved in order that plants in these nearby cities may be assured of supplies. In view of all the evidence a differential of 4 cents should be adequate between Detroit and such other plants.

As a "direct-delivery" differential, the 4-cent differential at Detroit plants should be paid by the handler directly to the producer (rather than to all producers through the producer-settlement fund) for all milk delivered to such plants.[1] Such payment will tend to reflect the location utility of all milk shipped by the individual producer—not just his base milk. The present Southern Michigan order does not reflect a location adjustment in the price for "excess milk". In the latter circumstance the added hauling cost paid by a producer on delivery of his milk to a Detroit plant, rather than to the plant closest to his farm, results in a reduction in his net return for milk in excess of base. Thus, the new provision for a direct-delivery differential payable directly to the producer is designed to offset, in large part, the extra cost of shipping such milk to the Detroit location as compared to shipping the same milk to a plant located nearer his farm. The encouragement to the producer to deliver all his milk by this means for bottling use will benefit all producers through the overall savings in transportation made possible.

It was objected that in some instances such application will mean that the direct-delivery differential will be paid on milk which the handler actually utilizes in Class II. It is concluded, however, that the differential should be payable on all milk so received by all plants in the designated area regardless of the type of operations conducted in the plant. All the milk delivered by producers to the designated area is available for the fluid market. Moreover, any milk utilized for other than fluid purposes, as well as for fluid requirements, in an area of highly deficit production, such as the city of Detroit and its environs, requires delivery from more distant production areas. Since milk customarily is manufactured into Class II products by producer organizations in outlying areas in the milkshed, the producer should not be placed in the position of taking a return on any part of his milk delivered to the city location lower than he would receive at a country supply plant, taking into account the lower cost of hauling to the latter plant. Thus, if the handler requires delivery directly to Detroit, it is not unreasonable to require reimbursement to the producer for the extra cost of such delivery relative to transporting to the country plant location whether a Class I or Class II use is intended at the city location.

The application of the direct-delivery differential in this manner may be compared with the cost of milk to the handler for Class II use at the city under the interplant delivery system. Prior to the use of bulk tanks Detroit handlers obtained most of their milk supplies through country supply plants and some still do. Except for an 8 percent allowance over actual Class I needs (to cover day-to-day sales variations), such a handler receives no location credit under the order on transfers of milk from supply plants for Class II use. Such pricing provisions recognize that the transportation charges on the finished dairy products, such as butter or nonfat dry milk, are minimal as compared with the hauling cost on whole milk and that milk can be readily processed into Class II manufactured dairy products at country locations. Handlers desiring whole milk for Class II processing in the city pay the transportation cost and plant handling charges on any whole milk transhipped to Detroit from country plants for such uses. Consequently, the handler who receives direct-delivered milk has the alternative of paying the extra charges incidental to purchasing through a country plant to obtain whole milk for such use at the city.

It is concluded that adoption of the direct-delivery differential will promote orderly marketing by assisting to induce an adequate supply at near-in Detroit plants by efficient means of handling, encouraging a further shift from country receiving to the more economical direct shipment from farms to city plants, insuring that the potential savings from such handling method will be returned to producers, better equalizing handlers' costs, and compensating the direct-delivery producer for the added cost he incurs in delivering directly to the city location.

The location adjustment structure outside the present Zone I (zero differential) should be revised in recognition of the general reduction in transportation costs resulting from bulk tank delivery and to reflect net differences in cost associated with distance relative to delivery to Zone I. A precise description of each of the various price zones, which vary to some extent from their counterparts under the present Southern Michigan order, is set forth in § 1040.54 of the order included in this decision. For purposes of the discussion below, however, references of a more general nature are sufficient.

In view of the plus 4-cent differential for delivery to Detroit, the present differential for that portion of the present Zone II lying west of Zone I of minus 7 cents should be changed to minus 3 cents. This part of the present Zone II includes the territory lying approximately 50–90 miles west of Detroit and encompasses the territory surrounding the cities of Jackson (75 miles from Detroit) and Lansing (90 miles from Detroit) as well as the pool supply (manufacturing) plants at Adrian (70 miles) and Mason (80 miles). Further described, this territory includes Lenawee, Jackson, Ingham, Livingston, and Washtenaw (western portion only) Counties.

Taking the direct-delivery differential into account, this results in the same location price difference between plants in this zone and Detroit plants as now prevails. It also will result in a 3-cent difference between Zone II and the relatively nearby plants in Zone I outside the Metropolitan Detroit area.

The remainder of the present Zone II (east of Zone I) includes the lower portion of Lapeer County with a supply plant located at Imlay City. This plant is in a sparsely populated area 30 miles east of the city of Flint (Zone I) and 50 miles north of Detroit.

The recommended decision provided for a minus 3-cent differential for this portion of the present Zone II, and the southern portion of Tuscola and Sanilac Counties. In their exceptions the cooperative which operates two of the three pool plants in this area contended that the amount of the minus differential in this territory should be a minus 5 cents to provide sufficient incentive to producers in the area to deliver their milk to Detroit. After careful review of the record evidence in light of exceptions, it is concluded that a minus 5-cent differential should be fixed at plants in Lapeer County, the northern portion of St. Clair County and the southern portions of Tuscola and Sanilac Counties (Zone III).

The exceptions emphasize the record testimony that unlike the Zone II territory lying west of Zone I this portion of the "thumb" area of the state lying 50–80 miles north of Detroit has no local population centers such as Lansing and Jackson which require substantial quantities of milk for fluid use locally within the production area. Nor does it have the fast roadways to Detroit as in the

[1] As later discussed, a producer's milk is considered as delivered to a given zone plant location for the entire month if at least 65 percent of the monthly deliveries are made there.

case of Zone II areas in the direction of Jackson and Lansing. Thus, it is appropriate to provide for a slightly greater (additional 2 cents) incentive to the producer in this area to move his milk to Detroit than is needed for equally distant territory west of Detroit.

A minus 5-cent differential at pool plants located at Imlay City, Brown City, and Peck in this lower "thumb" Zone III territory will provide a 5-cent transportation incentive for producers to deliver their milk to Zone I cities of Flint, Pontiac, and Port Huron and a 9-cent incentive to ship direct to Detroit rather than such local plants.

It is appropriate that additional milk produced in this close-in area be moved to Zone I cities (including Detroit) for fluid use, as the opportunities to supply milk by bulk tank increase. Zones I, II and the lower "thumb" area in combination include about 75 percent of the population of the marketing area but only about 40 percent of the producer milk. Class I milk requirements for this combined area are about 145 million pounds per month and production within the area is about 130 million pounds per month.

As in the case of the lower "thumb" area exceptor pointed out that the recommended reduction in the amount of the location adjustment applicable in the upper "thumb" area likewise should be adjusted by 2 cents, to a minus 7 cents rather than a minus 5 cents.

This upper "thumb" area covers territory from approximately 80 miles to 125 miles from Detroit. Thus, it could be expected that there would be a range of 4 cents difference in hauling rates to Detroit from various locations within the area. Pool plants in this area are located at Bad Axe and Sebewaing, 107 and 114 miles, respectively, from Detroit. A minus 7-cent differential at these locations in combination with a plus 4-cent differential at Detroit will provide producers an 11-cent price difference to deliver their milk to Detroit plants compared to local plants. In consideration of these distances from Detroit, the revised differential will better reflect the prevailing 1-cent per ten miles hauling rate by bulk tank described in the record. Thus, this upper "thumb" area of Huron County and the northern portion of Tuscola and Sanilac Counties should be included in Zone IV.

The territory lying within approximately 50 miles west of Zone I cities of Flint, Saginaw, and Bay City should be included in Zone III—minus 5 cents. It includes the counties of Arenac, Gladwin, Midland, Isabella, Gratiot, Clinton, Shiawassee, Eaton, and portions of Bay, Saginaw, Montcalm, and Ionia.

A 5-cent differential in this area will reflect closely the additional cost to a producer to have his milk hauled to a plant in the Zone I "corridor" cities of Flint, Saginaw, and Bay City.

Calhoun, Branch, and Hillsdale Counties which are located on the western edge of Zone II should be in Zone IV—minus 7 cents. In the recommended decision the Zone III minus 5-cent differential was provided for this area between the cities of Jackson and Battle Creek. After a careful review of the record in light of exceptions, it is concluded that the location adjustment in this area should be the same as at Battle Creek and Kalamazoo.

There is a pool supply plant (receiving station) located at Litchfield in the northwestern corner of Hillsdale County. It was pointed out in the exceptions that if this plant were provided with a higher price than at plants in the cities of Battle Creek and Kalamazoo there would be undue incentive to producers in the territory south of these cities to ship their milk to the supply plant rather than to fluid milk outlets in Battle Creek and Kalamazoo. In addition, an additional 2 cents in the differential will provide greater assurance that producers in this area will ship their milk directly to fluid milk outlets in Detroit when needed there.

Zones I, II, III, and the portions of Zone IV described above together comprise about 80 percent of the population in the marketing area while about 65 percent of the total market supply is produced within this combined territory. It is estimated, however, that while about 160 million pounds of milk per month are needed for Class I use within this area (within about 120 miles of Detroit), about 215 million pounds of milk per month are produced therein. Although this area has less production relative to fluid needs as compared to the remainder of the market, there nevertheless is more than an adequate supply of milk for fluid use within this 120-mile range of Detroit.

The location differential structure in the remainder of the market therefore should be formulated so as not to encourage milk to be attracted to the southeastern part of the market as it is unneeded there for fluid use. Such a price structure will tend to maximize net returns to producers by not encouraging the employment of unneeded milk hauling facilities. Nevertheless, as in other zones, location differentials in the remaining surplus production area should be kept in practical relationship to the cost of hauling to the deficit area (Zone I). Milk in production areas such as the western and northern portions of the Lower Peninsula, where milk produced exceeds local fluid market requirements, has a value in Class I closely related to the price in the nearest area where the milk may be put to fluid use less the cost of transporting milk to such area.

A principal change needed in the present location adjustment structure is a reduction in the amount of minus adjustment applicable at plants on the western side of the state, i.e., plants in and around the cities of Grand Rapids, Muskegon, Holland, Kalamazoo, and Battle Creek. These cities and their neighboring territory in the counties of Muskegon, Ottawa, Kent, Oceana, Newaygo, Mecosta, Allegan, Barry, Van Buren, Kalamazoo, Berrien, Cass, St. Joseph, and the western portions of Branch, Calhoun, Ionia, and Montcalm Counties have about 17 percent of the population of the market and 24 percent of the available supply of producer milk.

The cities in the western side of the State now are connected to the cities to the east by superhighways, making it relatively easy and inexpensive to move milk from this area towards markets in central and eastern parts of the State. However, under the present Southern Michigan order the area west of Lansing and Jackson is divided into three zones, where prices are 5, 8, and 13 cents, respectively, lower than the level applicable at Lansing and Jackson plants. Such differentials have tended to encourage some producers under the order to seek markets to the east in other location zones where the higher zone prices more than offset the extra hauling cost.

The zoning proposals of the several cooperatives called for one western zone encompassing all the cities on the western side of the State with a minus location differential 3 to 4 cents greater than the amount applicable at Lansing and Jackson. In this connection they stated that in February 1963 the associations began paying producers under their premium price plan on the basis of a location adjustment schedule different from the one under the present Southern Michigan order for the purpose of discouraging the movement of milk out of the lower priced western zone into the higher priced zones since the milk was not needed in the latter zones.

It is appropriate to adjust prices in the western cities relative to the central and eastern cities so as to reflect as nearly as possible current differences in direct-delivery hauling rates between zones. To accomplish this the western portion of the market should be divided into two price zones. The cities of Battle Creek, Kalamazoo, Grand Rapids, and the adjacent areas should be in one zone to be designated Zone IV. The cities of Holland, Muskegon, and the western tier of counties should be in the other zone—Zone V. The differential in Zone IV should be minus 7 cents (or 4 cents under the price at Lansing and Jackson). A 4-cent difference closely reflects the additional direct-delivery cost of shipping milk to Jackson from farms located in the vicinity of Battle Creek, which is about 40 miles west of Jackson. Similarly, it is about 40 miles between Lansing and the pool manufacturing plant at Saranac, another alternative outlet for milk from the Grand Rapids area.

Kalamazoo and Grand Rapids are only 20 miles west of Battle Creek and Saranac, respectively. Any differential in prices between these respective locations would tend to encourage producers to ship their milk east of these cities, particularly to the manufacturing plant in Saranac. A 2-cent higher price at Kalamazoo relative to the tier of counties to the west will tend to insure supplies to this city relative to the pool manufacturing plant located in Allegan County which also represents a ready alternative outlet for those milk producers west of the city. To assure that adequate supplies will be delivered to these cities at minimum transportation cost they should be in the 7-cent differential zone. Specifically, this Zone IV should include the counties of Mecosta, Kent, Barry, Kalamazoo, St. Joseph, Calhoun, Branch, Hillsdale, and the western portion of Montcalm and Ionia Counties.

The differential in the western tier of counties (Zone V) should be minus 9 cents (making the price 2 cents below that at Grand Rapids and Kalamazoo). The cities of Holland and Muskegon are located in this area on the edge of Lake Michigan and are about 30 and 40 miles, respectively, from Grand Rapids. Since these cities are located next to the lake on their western side, their milk supplies must be procured generally to the east toward the Grand Rapids procurement area. A differential in excess of 2 cents below the price at Grand Rapids would tend to encourage producers in the western tier of counties near Muskegon and Holland to ship their milk to Grand Rapids. A 2-cent differential, however, should not tend to encourage producers in the western-most portion of these counties to ship to Grand Rapids. In addition, Muskegon and Holland are located somewhat north and south, respectively, of Grand Rapids and thereby would be able to attract supplies from such directions in competition with a 2-cent higher price at Grand Rapids.

If the western tier of counties were in the same price zone as Grand Rapids and Kalamazoo, there would be no incentive for producers located there to ship their milk to these cities as the manufacturing plants located in Allegan and Ottawa Counties are closer to their farms. On the other hand, if the prices at Grand Rapids and Kalamazoo were fixed more than 4 cents lower than the price in the eastern markets of Lansing and Jackson, there would be a tendency for producers located on the eastern edge of these cities to ship their milk eastward. These two cities, in turn, would be forced to rely on supplies located to the west. It is concluded that the price structure provided herein will tend to attract adequate supplies to these western Michigan cities as well as reflect the location utility of milk in the area in relation to the Detroit level.

In their zoning proposals producer groups placed Berrien County (in the southwestern corner of the state) in a separate zone with a differential of 4 to 6 cents lower than the price at Kalamazoo. This county lies 40–60 miles west of Kalamazoo and is bordered on the west by Lake Michigan. Thus, plants in this area must procure supplies to the east toward Kalamazoo in Cass, Van Buren, and Allegan Counties and, accordingly, must pay producers a price competitive with what they would receive by shipping to Kalamazoo. A price in this county, 2 cents less than at Kalamazoo, should attract needed supplies from the western portion of the lakeside counties while a greater differential would tend to encourage such producers to ship to Kalamazoo.

The western tier of counties from Muskegon on south (Muskegon, Ottawa, Allegan, Van Buren, Cass, Berrien) therefore should be in the minus 9-cent zone.

The remainder of the Lower Peninsula (all territory lying north of the aforementioned zones) should be divided into three zones with differentials which closely reflect the additional direct-ship hauling costs therefrom to the nearest cities in Zone I as compared with hauling costs to local plants within such zones. As previously discussed, this additional hauling cost is about 1 cent per 10 miles.

The first of these three zones should be an extension of Zone V (9 cents) on the west side of the state and continue northeastward across the state above Zones IV and III. Specifically, this would extend Zone V to include Newaygo, Oceana, Mason, Lake, Osceola, Clare, Missaukee, Roscommon, Ogemaw, and Iosco Counties. The only presently regulated plant in this area is a pool supply plant at Evart in Osceola County which is about 85 miles northwest of Saginaw and Bay City (Zone I). It is expected, however, that six bottling plants within this group of counties will become regulated by the inclusion of this territory in the marketing area. A minus 9-cent differential will reflect the location utility of milk at all such plants in this zone relative to prices at principal cities in the market.

The next zone (Zone VI) should include the counties of Alcona, Oscoda, Crawford, Kalkaska, Grand Traverse, Wexford, and Manistee. This tier of counties (next to Zone V) is about 30 miles wide. A minus 12-cent differential is appropriate for this zone.

The recommended decision included Mason and Oceana Counties in Zone VI rather than Zone V. Following consideration of an exception on the appropriate price zone for these two counties, it is concluded that the location differential in these counties should be the same amount as in Lake and Newaygo Counties. As in the case of Berrien County, these two counties (Mason and Oceana) are lakeside counties. Thus, plants located therein tend to compete for supplies back inland with plants in Newaygo, Muskegon, Mecosta, and Osceola Counties. The 3-cent lower price provided in the recommended decision would have provided undue incentive for producers in these counties to ship their milk to such other plants and thereby not assure adequate supplies at the two bottling plants in the lakeside counties. Thus, it is appropriate that Mason and Oceana Counties be included in Zone V rather than Zone VI.

The remaining Lower Peninsula counties of Alpena, Montmorency, Presque Isle, Cheboygan, Otsego, Emmet, Charlevoix, Antrim, Leelanau, and Benzie should be in a minus 15-cent zone (Zone VII). This would reflect the location utility of milk at plants in this area relative to the zero zone (Bay City, the northernmost city in the zero zone, is about 150 miles south of Zone VII). The only pool plants in Zone VII are located at East Jordan and Hillman.

This zone differential structure includes all the territory in the Lower Michigan Peninsula and thereby includes the locations of all plants which are currently pooled under either of the orders to be consolidated and those of the additional plants which will be brought under regulation by expansion of the marketing area. However, in the event plants located outside the above zones should become pool plants, provision should be made to assure their proper price alignment with the plants in the specified zones. The most likely locations of such plants are south of the Michigan State line in the States of Ohio and Indiana. A differential of the amount provided for the zone nearest to the plant plus 1 cent for each 10 miles that such a plant is located beyond the nearest point in such zone will assure proper price alignment with plants located in the specified zone areas as well as reasonably to reflect transportation costs based on distance.

Certain other exceptions also related to the recommended zone location differentials. Generally, such exceptions called for a modification of the recommended zone structure so as to better accommodate the movement of milk to manufacturing plants as opposed to the modifications adopted herein in the interest of insuring more milk to bottling plants.

After careful review of such exceptions in connection with the record, however, it is concluded that the location adjustments zones and rates set forth herein reflect the record evidence on the difference in prevailing hauling rates by bulk tank trucks to more distant city bottling plants compared to county manufacturing plants located nearest the farms. Thus, the schedule of rates adopted will effectuate the policy of the act by helping to assure adequate supplies of milk for fluid uses and promote orderly marketing by employing location adjustment rates whereby net returns to producers at most locations will not differ significantly whether their milk is directed to fluid milk outlets in the marketing area or to nearby manufacturing plants.

Transfer adjustments. The transfer adjustment credits to handlers operating distributing plants, on milk received from other pool plants and allocated to Class I, should be modified to reflect the amount applicable at the location of the transferor plant under the aforementioned schedule of location differentials.

Certain producer associations proposed that transfer adjustment credits be modified by applying a schedule of allowances for interplant movements different from the rates applicable to Class I and base prices and that all such transfer credits be discontinued after a period of 2 years. In support of the proposed change, proponents stated that the cost of moving milk a given distance from one plant to another plant frequently is greater than the difference in direct-delivery costs for the respective locations. The proposed adjustment rate is 10 cents per hundredweight plus 1 cent more for each 10 miles, or portion thereof, that the transferor plant is located more than 50 miles from the City Hall in Detroit. Proponent contended that this schedule would be adequate to cover the transportation cost of moving milk from supply plants to bottling plants in Detroit.

The 2-year limit on the proposal was based on the estimated completion date of the conversion from can to bulk tank handling in the market. Thus, proponents contend, the proposals would tend to equalize handler costs on milk from supply plants with that which is direct-delivered from farms.

The proposed transfer credits would not be significantly different from the

zone location differential rates adopted herein where the transfer is between plants which are both located beyond 50 miles from the City Hall in Detroit since both rate schedules are based on a prevailing hauling cost of 1 cent per 10 miles (earlier explained).

The proposed transfer credit schedule indicates that there is an additional 5 cents "fixed cost" in transporting between plants as compared to differences in rates for direct-delivery hauling. Application of the 1 cent per 10 mile rate within the 0–50 mile zone (where the proposed rate was 10 cents) would leave a residual of 5 cents. Thus, handlers could be expected to pay 5 cents more per hundredweight for transferred milk than for direct-delivery milk under the zone transfer credit schedule.

A transfer adjustment credit to handlers which is greater than the Class I price differences by zones is not necessary to achieve adequate supplies at distributing plants and would tend to provide less incentive to use the most efficient means of getting milk to the market.

There are several handlers in the market who currently are paying an extra 5 cents per hundredweight (transportation) to obtain supply plant milk. Presumably there is some advantage to the particular handler in obtaining milk from supply plants which is worth the extra cost in light of the currently available alternative of receiving direct-delivery milk. By employing only one schedule of location adjustment credits under the order, each handler will be in a position to choose the method of obtaining a milk supply which best suits his needs without burdening the producers' price with transportation charges higher than are required by direct-delivery made at their expense.

Several producer associations proposed further that the location adjustment credits on transfers of milk from supply plants be limited to the actual volume of Class I milk processed (less receipts of other milk allocated to such class) rather than apply to 108 percent of Class I volume in the plant as under the present Southern Michigan order. This proposal would require the handler purchasing from country supply plants to pay the interplant transportation cost on all (rather than on a portion of) such receipts of whole milk which are utilized as Class II use in his city distributing plant.

Proponents contended that because of the change to bulk tank handling in the market whereby all plants can be adequately supplied on a direct-delivery basis, there is no need to assure that the market be supplied through transshipments from supply plants by allowing an extra margin beyond Class I sales volume in computing the handler's transfer credit. To the extent that such credit could be attributed to assuring some unnecessary reserve of milk at bottling plants, it would seem appropriate to adopt the proposal. However, there are pertinent aspects of the provision which are not appreciably affected by the change to bulk tank handling.

Under the classification and accounting provisions of the order, shrinkage and inventory of fluid milk products on hand at the end of the month are in Class II. There are also daily variations in demand for fluid items which cannot be forecast with exactness. Thus, as a practical matter, it is virtually impossible for a distributing plant to utilize as Class I, all milk brought in from country plants. The provisions of the order adopted herein afford the same net return to producers for milk so used at Detroit distributing plants irrespective of whether it is obtained directly from the farm or through a supply plant. Elimination of the transfer credit would return a higher net price to producers for milk moved to the city through supply plants than that which is obtained on a direct-shipped basis. In view of such circumstances it is appropriate that the order continue to provide a reasonable margin in the amount of transferred milk on which transportation credit is allowed. It is concluded that the present order provision accomplishes this purpose and should be continued.

Deliveries divided between zones. Several cooperatives proposed that location adjustments applicable to payments to producers for base milk and milk to be paid for at the uniform price or adjusted uniform price should be at the rate applicable to Class I milk (not including the 4-cent direct-delivery differential previously adopted herein). It was proposed further that in the case of any producer whose milk is physically received at plants in more than one price zone during the month, the location adjustment should be the weighted average of the adjustments for the respective plant locations, provided that if 65 percent of a producer's milk were delivered to plants in a single zone during the month, all milk of such producer for the month would be priced at such zone.

The location differential rate schedule is such that when taken in combination with the producer's hauling rate it reflects the location utility of the milk. Thus, under ordinary circumstances, the producer would receive about the same net return at each zone location and therefore would be indifferent as to whether his milk is shipped to a nearby supply plant or to a more distant distributing plant in a closer-in zone.

Distributing plants receiving direct-delivered bulk tank milk ordinarily will rely on such supplies for their full weekly needs, the only exception being when supplemental, or emergency, supplies are required from supply plants. On the other hand, on nonbottling days such as weekends, or where for other reason surplus accumulates at the distributing plant, some of the bulk tank milk may be diverted therefrom to manufacturing plants. At certain of the distributing plants, however, milk received, including weekend supplies, is "banked" at the plant for later use on heavy bottling days.

For each zone except Zone I (which includes Detroit) there are few, if any, instances when diversion to a supply plant as compared to delivery to a distributing plant means a change in pricing zone. On milk customarily delivered to fulfill the needs of Zone I distributing plants, however, the diversion of such milk to manufacturing use on certain days of the week is likely to involve movement to a lower-priced zone. Thus, there is present the question of appropriate pricing of the milk on days of diversion to another price zone.

Milk which was never intended to be utilized to fulfill Zone I fluid requirements, and with respect to which the greater transportation cost to such zone was not incurred, should not be paid for at the Zone I price. The possibility of assigning more producer milk to a higher-priced zone than is needed for zone requirements, which extra milk is diverted to another zone, should be minimized by adopting the proposal to apply the weighted average of the zone rates based upon the respective deliveries to each zone. Contrariwise, milk which is intended to fulfill such Zone I requirements, and which is regularly and substantially so used, should receive the price for Zone I where ordinarily received even though it sometimes may be diverted for the convenience of the handler. The delivery of 65 percent or more of the producer's milk to Zone I is reasonable evidence of the continuing need of such milk for zone requirements and thus warrants the pricing of all milk of the producer according to that zone.

The assignment of milk to plants for pricing on the above basis will serve orderly marketing by encouraging an optimum adjustment of supplies to zone needs. It will also make possible uniform payment to producers whose milk is customarily received at Zone I plants and thus is made fully available for fluid use, irrespective of whether the receiving handler holds all such milk in the zone or chooses to divert on weekends to a lower priced zone.

It is recognized that careful accounting practice will be required to determine the milk eligible for Zone I pricing. While it may be expected from the record that producers will be assigned rather consistently to given plants, thus reducing the administrative problem of determining whether the producer's milk has met the delivery requirement of the provision, we may not dismiss entirely the possibility of some administrative difficulty in such regard. The provision has merit, however, and should not be denied on this potentiality.

(b) *Class I milk prices.* The Class I price should be established at the general level (annual basis) which prevails currently in the Southern Michigan market. The method of determining the Class I price should provide for a uniform monthly differential adjusted by a supply-demand formula similar to that now provided for under the Southern Michigan order.

General level of Class I price. The present annual level of Class I milk prices fixed under the terms of the Southern Michigan order market should be continued.

Several producer organizations proposed that the stated Class I differential be uniform in all months at $1.43 f.o.b. Zone I, the average of the present seasonal differentials ($1.23 and $1.63) under the Southern Michigan order. They proposed further that in the event a supply-demand adjustor is deemed a

necessary adjunct to the Class I pricing formula, the present Southern Michigan order supply-demand adjustor be continued, modified principally with respect to the maximum amount, plus or minus, by which such formula may adjust the Class I differential during any month. In effect, producer proposals relative to the level of the Class I differential, together with their proposal to modify the supply-demand adjustor, would result in an immediate 20-cent per hundredweight increase in Class I price for the consolidated market as compared to that currently prevailing in the Southern Michigan market. A more detailed discussion of the supply-demand formula is set forth elsewhere in these findings.

Representatives from certain independent milk dealers operating in major cities of western Michigan (Battle Creek, Kalamazoo, Grand Rapids, and Muskegon) were strongly opposed to any change which would result in a higher Class I price level under the consolidated order. They testified that their respective areas have been more than adequately supplied with milk. They contended that conditions in these areas make it economically impossible for them to absorb any increase in Class I cost and pointed to intensive resale competition with milk distributors from the South Bend and Fort Wayne, Ind., and Toledo, Ohio, markets.

In view of the supply of milk in excess of bottling needs in the Southern Michigan and Muskegon markets (43 percent and 41 percent, respectively, during 1964) and no indication of milk shortage in the foreseeable future, an increase in the minimum Class I price above current levels would not be warranted. It is concluded, therefore, that while as stated below, seasonality in the Class I price differential should be removed, nevertheless it should be fixed at a level which, taking into account the adjustments occasioned by revisions in location pricing, will not be significantly different from the annual average now prevailing.

Therefore, the Class I differential under the merged and expanded order should be $1.40, a reduction of 3 cents from the average differential under the present Southern Michigan order. Such 3-cent adjustment on all Class I milk will return about the same total amount of money to producers as is returned to them under the present Southern Michigan and Muskegon orders.

The plus 4-cent direct-delivery differential applicable at metropolitan Detroit plants will apply to about one-half of all the Class I milk and to a significant proportion of the Class II milk. Thus, it would require about a 2-cent reduction in the price on all Class I milk in the merged market to return the same amount of money to producers under this particular provision. The Class I milk outside metropolitan Detroit is about equally divided between plants in the remainder of the present zero zone (where no change is made in the location adjustment) and the other zones. The weighted average change in the location adjustments in zones other than the zero zone (including Muskegon) is about a plus 7.6 cents. This increase in price would apply to about one-fourth of the milk under the combined orders and amount to nearly two cents on all Class I milk. The net effect of all changes in location adjustment rates amounts to about four cents on all Class I milk. The application of the present Southern Michigan supply-demand adjustment of minus 45 cents to the volume of Class I milk under the present Muskegon order accounts for an additional 1-cent reduction on all Class I milk to be covered by the merged order. The latter amount should be offset against the other reductions, however. Consequently, it is appropriate to adjust the $1.43 average Class I differential under the present Southern Michigan order to $1.40 under the combined order.

Although certain handlers favored the adoption of the producer proposal aimed at effecting an increase of 20 cents per hundredweight in the level of Class I price, their interest in this matter was principally related to the effect such an increase in price might have in lessening the amounts of the negotiated premiums (above the order Class I prices) in the markets.

Seasonal Class I price differentials. The Class I price differentials $1.63 and $1.23 on a seasonal basis should be replaced with a uniform monthly differential of $1.40 at Zone I plants. This differential represents the 12-month average of the present seasonal differentials of the Southern Michigan market, adjusted only to the extent of offsetting the increase in price level which otherwise would result from the changes made in zone pricing and the adoption of a direct-delivery differential, as discussed above.

As previously stated, several producer groups proposed that the Class I differential be uniform in all months and that such differential be $1.43 per hundredweight at Detroit. They cited as their reasons for a uniform Class I price differential the more even seasonal pattern of production which has prevailed in recent years, due in large part to the almost complete changeover from can cooling and interplant shipment of milk to the present-day bulk tank cooling and shipment and the presence of the base-excess plan of payment.

They pointed out in this connection that the necessarily large investment associated with the acquisition of farm bulk tank equipment has encouraged dairy farmers to enlarge their operations and to even out milk deliveries throughout the year in order to make the most efficient use of such equipment. Producers contended further that the base plan currently in both orders (and proposed for inclusion also in the consolidated order) likewise furnishes incentive for evenness of deliveries and that a uniform monthly Class I differential would tend to enhance the effectiveness of the plan.

A uniform Class I differential throughout the year should be adopted. The amplitude of change from the month of seasonally lowest production to that of highest production is quite small indicating the achievement of a relatively level seasonal production pattern for the fluid market. This is evidenced by monthly seasonal indexes of producer milk receipts in each market computed from data for the 4-year period 1961 through 1964.[2] The month of July 1963, for example, shows an index of 93 percent compared to an index of 104 for May 1964. Similarly the July–May indexes for the preceding 12-month periods of July 1962–May 1963 and July 1961–May 1962 were 92–105 percent and 94–107 percent, respectively.

The seasonal patterns of milk production in both the Southern Michigan and Muskegon markets are in reasonable alignment. During the 12-month period of July 1963, through June 1964, the monthly index of producer receipts for the Muskegon order market varied at the most by 3.1 percent from that of the Southern Michigan order market and on the average for the 12-month period reflected variance at a rate of only one-half of 1 percent per month.

The relatively even production pattern currently prevailing will be encouraged by continuance of the base plan now a part of both orders. The somewhat higher uniform prices during the spring months of generally higher production which would result from a level Class I differential will enhance the plan by encouraging producers to keep their bases due to widening the difference between the base and excess prices during the flush production months.

There was no opposition by either handler or producer groups to the proposal to eliminate the seasonal pattern of Class I pricing. Indeed, a number of handlers, as well as the producer groups, indicated their support for such a change.

In view of the above considerations, it is concluded that the substitution in the consolidated order of a uniform monthly Class I price differential for the present seasonal differentials is appropriate and should be adopted.

Supply-demand adjustor. A supply-demand adjustor which would retain the essential features of that which is now a part of the Southern Michigan Class I pricing formula should be included in the consolidated order.

Several producer associations suggested use of the present Southern Michigan supply-demand adjustor, with slight modification, in the event of a determination that such a method of adjusting prices should be made a part of the consolidated order. The Muskegon order Class I pricing provisions do not contain a supply-demand factor. As stated earlier, the producer proposal would modify the Southern Michigan formula by changing the limit (upward or downward) by which the action of the "adjustor" may affect the price per hundredweight in any month from a maximum of 45 cents to a maximum of 25 cents. They suggested also that the supply-demand formula computation should include the producer receipts and Class I sales of all handlers to be fully regu-

[2] Indexes computed by the "moving average" method whereby the ratios of daily average receipts of producer milk for the month to a 12-month moving average of such receipts (center on the seventh month) are computed.

lated by the consolidated order rather than only the receipts and sales of present Southern Michigan order handlers.

A supply-demand factor should be included as one of the components of the Class I pricing scheme of the consolidated order. The purpose of a supply-demand adjustment provision is to adjust promptly the minimum Class I price upward or downward as the supply of producer milk changes in relation to Class I sales. This purpose is consistent with the criteria of the Agricultural Marketing Agreement Act, as amended, which provides that the prices to be fixed under the authority of such Act shall be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk, and be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales is designed to carry out in the market the price objective of the Act through encouragement of supplies at the levels needed for fluid requirements.

The present supply-demand formula under the Southern Michigan order provides for the adjustment of the Class I price primarily on the basis of the market's supply-sales relationship in the most recent 2-month period (current utilization percentage) in relation to a "norm". Instead of using a specified schedule of seasonal adjustment factors, as in some other orders, the formula provides a method of computing the monthly norms which is designed to provide automatic "updating" for seasonal variations in the market. The average level of Class I utilization [3] in the most recent 2-month period is converted to an "annual" basis by using a seasonal index calculated from market data for the preceding 26-month period. The Class I price is decreased, or increased, when the most recent 2-month data indicate an annual level of market supply more, or less, than 136.7 percent of Class I use.

A schedule of stated monthly standard utilization percentages (norms) which averages 136.7 percent of producer receipts to Class I utilization should be adopted in lieu of the present system for computing monthly "norms" as now provided in southern Michigan.

The seasonal patterns of producer receipts and of Class I sales in the Southern Michigan market during the period 1962–1964 have not changed significantly. During this time, the relationship of supply to Class I utilization was greatest during the May–June period used to compute the July norm. Conversely, the supply generally was lowest in relation to Class I sales during the October–November period, the period used to compute the December norms. The relatively close seasonal alignment of norms computed for the 3-year period is illustrated by the fact that the July norms for the years 1962, 1963, and 1964 were only 12.4, 12.7, and 12.5 percent, respectively, higher than the December norms for the same years.

In light of these conditions the present mechanics of the Southern Michigan supply-demand adjustor may be simplified by specifying a schedule of monthly norms to replace the more complex system of calculating norms as now provided. In order that the market administrator may announce the Class I price early in the month to which it applies, as proposed elsewhere in these findings, it is necessary to provide that the adjustor be computed on the basis of the receipts-sales relationship for the second and third months preceding the pricing month in lieu of the first- and second-month period employed in the present Southern Michigan order. A temporary provision is included to permit the market administrator to employ the receipts and utilization data for the second and third months prior to the effective date of the consolidated order as established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders.

It is not expected that the combining of the receipts and sales of the two subject markets in computing current utilization percentage will alter significantly the amount of the supply-demand adjustment called for by the formula. The ratios of Class I utilization to producer receipts in the two markets are very nearly the same. The volume of milk priced under the Muskegon order is only about 3 percent of the volume of milk priced under the present Southern Michigan order. Also, it is anticipated that the effect upon the supply-sales relationship resulting from the regulation of additional handlers through expansion of the marketing area will be negligible. It is estimated that the volume of milk marketed by such presently unregulated handlers will represent less than 1 percent of the milk to be priced under the amended order.

Even with use of the expanded sales and receipts data in the formula computation, the formula is expected to result in computed adjustments to the Class I price differentials closely approximating those which would result if the more complex formula provisions of the present Southern Michigan order were adopted. This is appropriate inasmuch as there was no testimony to support any significant revision of the general level of norms presently called for under the present Southern Michigan order formula. The following schedule of norms has been constructed to fit this general level and should be adopted:

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	135
March	December, January	134
April	January, February	132
May	February, March	133
June	March, April	135
July	April, May	141
August	May, June	147
September	June, July	143
October	July, August	139
November	August, September	138
December	September, October	133

The 45-cent maximum amount by which the present Southern Michigan order formula may adjust the Class I price differential plus or minus during any month should not be changed in the revised formula.

The supply of milk in the Southern Michigan order market in recent years has been increasing at a more rapid rate than the demand for Class I milk. During 1961 receipts from producers were 159 percent of Class I sales. Similarly, the years 1962, 1963, and 1964 show a relationship of 170, 172, and 175 percent, respectively. The supply-demand adjustor during this period has resulted in minus supply-demand adjustments to the Class I price. Since May 1961 the computed adjustment has been in excess of the minus 45-cent per hundredweight limit set by the order. As a consequence, the minus 45-cent limit has been the adjustment to Class I price from May 1961 to date.

During this same period, however, producers have been obtaining negotiated premium prices for milk going into fluid bottling use which, on a monthly average, have exceeded the 45-cent supply-demand adjustment. These premium, or "super pool", prices have negated the effectiveness of the supply-demand adjustment and make its actual effect indeterminable.

The 175 percent production-sales relationship for 1964 represents a 38 percentage point deviation from the 136.7 "norm" provided for in the present formula. Of this 38 percentage point deviation only 15 points are actually reflected in the 45-cent effective adjustment now prevailing in the market. It is not appropriate, therefore, to consider any change in the limit of adjustment as now provided for under the Southern Michigan order which would have the effect of raising the Class I price level.

Producers suggested the possibility of a "regional" supply-demand adjustor under which the sales and receipts of certain nearby orders, as well as those of the two subject markets, might be included for purposes of establishing "norms" and of computing current utilization percentages. They further suggested limiting the amount of supply-demand adjustment in a manner which would maintain a certain fixed alignment of Class I prices with the Toledo (Northwestern Ohio order) market. Sufficient evidence was not offered, however, which would support adoption of these suggestions at this time.

Other changes relating to Class I price. The order should provide that the Class I price be computed on the basis of the basic formula price (Minnesota-Wisconsin average manufacturing price) for the preceding month rather than for the current month as at present.

This is a modification of present provisions of both orders and will make it possible for the market administrator to announce the Class I price early in the month to which it applies. Both orders presently provide for such announcement on or before the fifth day of the month following the pricing month.

The revised procedure for computation of the Class I price will be consistent with more recent Class I pricing procedures

[3] The percentage which the volume of producer milk is of Class I utilization in the market as reported by handlers is referred to in these findings as "Class I utilization percentage".

in other Federal orders. Producers and handlers will be in position to know the exact Class I price early in the month to which it applies and it will promote Class I alignment with other nearby orders. Public announcement of the Class I price would be made by the market administrator on or before the sixth day of the month for which such price is applicable.

Butterfat differentials. Handler and producer butterfat differentials in the consolidated order should be maintained at the same level as those in the present Southern Michigan and Muskegon orders. Class I, Class II, and producer butterfat differentials in the existing orders are computed by multiplying the Chicago 92-score butter price for the current month by 0.113.

A witness for one association of producers proposed that the factor used to compute the handler and producer butterfat differentials be increased to 0.120. The effect of such an increase on the cost of milk to handlers would be to increase butterfat prices and decrease prices of the skim milk component.

Butterfat differentials should not be changed. Current prices and butterfat differentials have attracted supplies of producer milk which contain a higher percentage of butterfat than the average butterfat content of the Class I products made from such milk.[1] In Southern Michigan for the recent period of January 1963 through October 1964, the butterfat content of producer milk averaged 0.6 point (0.06 percent) higher than that of Class I milk. Muskegon producer milk during this same period averaged 2.2 points (0.22 percent) higher in butterfat content than Class I milk. Thus, on the average each hundredweight of producer milk used in Class I in Southern Michigan and Muskegon yielded 0.06 of a pound and 0.22 of a pound, respectively, of butterfat destined for manufacturing uses.

Based on October 1964 figures, the proposed higher differential would have increased the price of Class II butterfat from 68.85 cents to 73.67 cents per pound. There was no evidence by proponent to show that handlers or the cooperatives who are handling the market surpluses could afford to take either current or any additional amounts of surplus butterfat at this higher price. The proponent cooperative does not engage in processing operations.

There are indications also that the demand for butterfat for Class I milk items in the market is declining relative to the skim milk component. In Southern Michigan skim milk sales for the first 10 months of 1964 were up 9 percent from this period a year earlier. By contrast, sales of half and half, coffee cream, and whipping cream during this 10-month period of 1964 increased less than 1 percent from the same period in 1963. Also a "fortified" product containing only 2 percent butterfat recently was introduced in Southern Michigan. Sales of this product climbed from 1.2 million pounds during December 1963 to 2.6 million pounds in October 1964. Low-fat Class I products, therefore, have increased substantially while sales of products with high fat content have either expanded at a slower rate or have declined. Market data do not support higher butterfat prices.

(c) *Pool plant requirements.* The provisions governing "pool plant" status should be modified to base pool status for supply plants operated by a cooperative association on the proportion of member producer milk which is moved directly from farms, or transferred from its own plant, to distributing plants. Such a provision is appropriate to realize efficiencies in handling the market supply of milk .

Performance requirements for pool plant status are the means of identifying and qualifying producer milk for participation in the marketwide pool. A "distributing" plant qualifies for pool status on the basis of the percentage of the milk received at the plant which is distributed on routes in the form of fluid milk products. A "supply" plant qualifies for pool status on the basis of milk transshipped to pool distributing plants. Producer milk which is associated with either type of pool plant, either by being physically received at the plant or by diversion therefrom, is qualified as pool milk. This method of qualifying producer milk at country supply plants for pooling has become inadequate under the bulk tank method of moving milk from farm to plant.

Handling of milk by bulk tank is displacing the traditional function of the supply plant as the principal means of assembling milk for shipment to Detroit. About two-thirds of the milk received at Detroit plants now is shipped by bulk tank directly from the farms where it is produced. As previously stated, it is practicable to furnish all such plants by this means. With the increase in bulk tank handling, much of the milk which was formerly qualified for pool status through supply plant shipment (by first being received at such plants and transshipped to distributing plants) is moved directly from the farms to distributing plants. Country assembly, or receiving, stations are fast disappearing. Milk received at supply plants now represents the residual supplies in the market. A principal function of the country supply plant with manufacturing facilities today is providing an outlet for producer milk on weekends and, to some extent, for daily and seasonal reserves rather than providing an assembly point for shipment to the fluid market.

Most of the supply plants affected by this situation are operated by cooperative associations. In this market most handlers depend on cooperative associations for their supplies of milk and such associations must provide the necessary manufacturing facilities to take care of reserve supplies on the days that proprietary handlers do not need the milk.

Because of these conditions, cooperative associations proposed that the bulk tank milk which a cooperative, as the handler, causes to be shipped directly from farms to distributing plants be included with the milk shipped from its plants as the basis for qualifying for pool status additional milk which is moved from farms to manufacturing plants.

An alternative proposal suggested by a proprietary handler would permit a cooperative to qualify its supply plants for pool status on the basis of the proportion of the milk of all member producers which is delivered to pool plants of other handlers, whether or not the cooperative is the handler on any such milk. The order now contains such a provision but cooperative witnesses stated that it is not adequate to fit all situations. For example, one cooperative operates its own distributing plant as well as a supply plant and such provision does not allow any pooling qualification credit for its supply plant with respect to milk formerly received there but which is now moved to its distributing plant directly from farms.

Supply plant performance requirements aid in assuring adequate supplies of milk for the market by providing a means whereby those producers who regularly provide supplies for the market can share in the proceeds from Class I sales. Such sharing in the Class I sales of the market provides assurance that the necessary supplies of milk will be available when needed. To be effective in accomplishing this purpose the performance requirements should assure that the principal function of the supply plant is supplying the Class I outlets (pool distributing plants) and that the milk received at such a plant is part of a supply on which the market may depend.

The present supply plant performance standard for pooling under the Southern Michigan order requires that 25 percent or the "call percentage", whichever is higher, of receipts at a supply plant actually be shipped to distributing plants. The call percentage is a variable performance standard designed to require shipment of more than 25 percent of the milk at each supply plant as the market administrator estimates the additional need at distributing plants. The present cooperative "balancing" plant provision permits qualification of a cooperative plant when at least two-thirds of the milk of producers who are members of the association is delivered to pool plants of other handlers.

Adoption of additional cooperative "balancing" plant performance requirements based on the association of cooperative member milk to pool distributing plants should be made to overcome the difficulties cooperatives have experienced in maintaining pool plant status for their supply plants under the present provision which, in certain instances, requires the movement of bulk tank milk to such plants for reshipment when it is needed at distributing plants. However, the requirements on a cooperative should be such as to establish that its major function is supplying pool distributing plants.

Proponent cooperatives suggested that the minimum performance standard for their balancing plants be established at 25 percent or the call percentage. The

[1] Official notice is taken of the price announcements of the market administrator for 1963–64 for Southern Michigan and Muskegon and of the Milk Market Bulletin for Southern Michigan for 1963–64.

25 percent standard was adopted under the Detroit order about 10 years ago when the marketing area was limited to Detroit and the nearby cities of Ann Arbor, Pontiac, and Port Huron. At that time a substantial proportion of the market's fluid milk requirements was assembled through supply plants. Detroit handlers now obtain about two-thirds of their supplies on a direct-delivery basis. In addition the marketing area was expanded in 1960 to include substantial additional territory and now it is being further expanded. All plants in the outlying territory, which account for about 50 percent of the Class I use under the order have always obtained supplies on a direct-delivery basis. Thus, about five-sixths of the fluid milk needs of distributing plants are now obtained on a direct-delivery basis. The use of such direct receipts from member producers of a cooperative association along with shipments from its supply plant to determine an overall standard for pooling the supply plant requires a substantially higher percentage of "shipments" than the 25 percent figure would indicate.

The order should provide that a plant operated by a cooperative association be a pool plant if at least one-half of the total member producer milk of the cooperative is moved either directly from the farm or from its plants to pool distributing plants. In addition, pool status should be provided under the order for a plant operated by a cooperative association, if at least one-half of the milk received at all pool distributing plants is member producer milk of the cooperative.

A cooperative which delivers a majority of its total member producer milk to pool distributing plants is sufficiently identified with the market to assure, under normal circumstances, that its milk is available to distributing plants. A cooperative which supplies the majority of the aggregate requirements of all pool distributing plants in the market likewise may be considered a principal source of the market's regular supplies. Any cooperative which serves the market by making its milk available for the market's Class I milk needs also has the burden of disposing of the reserve supplies associated with such fluid milk need. Thus, it is appropriate that such cooperatives be provided the opportunity to pool their balancing plants on a basis which permits efficiency in their marketing operations.

In their exceptions to the recommended decision, certain cooperative associations suggested that the pool plant provisions of the order should provide for an alternative performance requirement based on 50 percent of member milk being supplied to pool distributing plants on a 12-month moving average.

In support of the modification, exceptors pointed out that there are several conditions in the market which may cause an unanticipated disqualification of a cooperative balancing plant which is required to meet a monthly performance standard. Such conditions include a temporary flush in production due to a favorable change in weather and the shifting of large wholesale accounts.

An additional performance standard based on the average proportion of deliveries to distributing plants during the second through thirteenth preceding months is appropriate since it would tend to add stability to the market by allowing such a cooperative significantly associated with the market time to make adjustments in its operations in order to maintain pool status. However, such provision should be limited to a plant which has been associated with the market as a pool plant during each month of such performance period and also should not relieve the plant from meeting any call percentage which may be applicable for the current month.

The recommended decision provided for a modification of the distributing plant performance requirement which permits exclusion of receipts certified by a cooperative association which operates no milk plant as having been delivered for manufacturing use by diversion from other pool plants.

As stated in the recommended decision, this provision was used in only one instance in the market to provide for the efficient disposition of a cooperative's reserve supply.

In their exceptions to the recommended decision, the cooperative which has employed the provision, along with other exceptors, pointed out that the provision is no longer necessary. Under the circumstances, it is appropriate that the provision be deleted.

The present Southern Michigan order includes a seasonal performance standard for pool distributing plants. To qualify for pool status as such distribution of fluid milk products on routes must be at least 55 percent during each of the months of October through March, and 45 percent during other months, of receipts from producers and supply plants. In addition, automatic pool status is provided during April through September for those plants which meet the 55 percent requirement during each of the previous months of October through March.

The order should provide pool plant status for a plant from which 50 percent of milk receipts are distributed on routes during the current month or either of the two preceding months. This will conform more adequately to the various utilization patterns in the market.

In view of the relatively uniform supply-sales balance which now occurs during all months of the year, it is appropriate that the order employ a uniform requirement of 50 percent in all months. The provision which provides automatic pool plant status during the months of April through September on the basis of performance during the preceding October through March should be replaced with one which provides for pool plant status if the 50 percent requirement is met in either of the 2 preceding months. There appears to be no uniform pattern of monthly Class I utilization at distributing plants in all areas of the expanded marketing area. Handlers in certain areas of the market have a greater volume of Class I sales during the summer vacation season while others have higher sales volume during the fall and winter months, particularly those handlers who have a substantial proportion of their business in school milk contracts. Such a provision will also allow time to adjust plant operations to meet pooling requirements in the event of unanticipated shifts between handlers of large sales accounts such as military contracts or chain store accounts.

Call percentage. With certain modifications the "call percentage" provision of the present Southern Michigan order should be included in the consolidated order.

Under present Order No. 40 a supply plant must ship to distributing plants at least 25 percent of its receipts or the percentage thereof which is "called" by the market administrator, whichever is higher, in order to qualify as a pool plant. To compute the call percentage the market administrator first estimates for all regulated distributing plants the monthly Class I requirements plus a 15-percent operating margin. From this figure are subtracted the expected receipts of milk at such plants directly from producers' farms and from supply plants which regularly ship their entire available milk supply to distributing plants during August through March. The remaining Class I milk is divided by estimated receipts for the month at supply plants other than those which ship their entire supply as described above. The resultant percentage figure then is reduced by one-fourth (to lessen the chance of calling more than actually needed) in arriving at the effective call percentage.

It was proposed that the call provision be updated to exclude from the computation the Class I milk and the receipts of those distributing plants which no longer regularly receive milk from supply plants. The proposal would determine the call percentage by using only the figures of distributing plants which had received milk from supply plants during each of the most recent 12 months.

The proposed revision should be adopted. Changes have occurred in the market which make the present method of computing the call percentage obsolete. In 1955 when the call percentage first became effective in the then Detroit order, a major portion of the regulated distributors received milk from supply plants. Since that time two important changes have taken place. One is an increase in the amount of milk delivered directly from farms to Detroit bottling plants in bulk tanks. The other is that with expansion of the marketing area since 1955 to cover most of southern Michigan, a large number of handlers who receive no milk from supply plants have come under regulation.

Consequently, today only 28 of the approximately 115 distributing plants in the Southern Michigan market receive milk from supply plants. No distributing plants in the present Muskegon marketing area regularly receive milk from supply plants. Under the call provision which was designed for the earlier period, shortages or surpluses at the other distributing plants obscure the adequacy of supply levels at the 28 distributing plants which still receive their milk from supply plants. The provision no longer accurately measures the degree to

which supply plants should be required to ship to insure adequate supplies at Detroit for bottling.

By computing the call percentage as modified, the quantities needed by distributors from supply plants would be clearly indicated and the provision would encourage the needed shipments.

An additional change should be made to coordinate the call percentage with the revised standards for pool plant qualifications. It is provided that a cooperative may pool a supply plant whenever (1) at least 50 percent of the receipts at all pool distributing plants is the cooperative's member producer milk, or (2) at least 50 percent of the association's total member producer milk is moved to pool distributing plants. The new provision would pool in one unit both the milk received at the cooperative's supply plants and the milk shipped directly from member farms to the distributing plants.

Milk at several supply plants of the cooperatives undoubtedly will pool under the new provisions. To assure that the supplies of milk at these plants, as well as bulk tank receipts, will be available to the market, any cooperative should be subject to the call percentage with respect to all its member producer milk. In order to pool their supply plant milk, the cooperatives, therefore, would be required to keep their milk supplies available for Class I use when needed. The call percentage would not be applicable to the member producer milk of a cooperative qualifying under the new provision, however, until the call percentage exceeded the 50-percent minimum identification with pool distributing plants, established for such cooperative's member producer milk.

With the recommended modifications the call percentage will assist in insuring an adequate supply of milk for fluid use at all times.

(d) *Classification of milk.* The definitions of Class I milk and Class II milk in the present Southern Michigan order should be adopted in the consolidated order with only minor modifications.

Classes of utilization. The present Southern Michigan order includes in Class I all skim milk and butterfat disposed of as any "fluid milk product" which is not accounted for as Class II milk. "Fluid milk products" include milk, skim milk, flavored milk, buttermilk, yogurt, cream (except frozen, whipped and sour cream), and any mixture of milk or skim milk and cream, including half and half, for consumption in fluid form.

Throughout the proposed marketing area the above fluid items must be made from milk approved for fluid use by health authorities. Consequently, to produce such milk farmers must get a return for it which is commensurate with the higher production and delivery costs associated with milk under health inspection requirements for bottling. To insure production of an adequate supply of milk for fluid use, the above products which require milk approved by health authorities should be included in Class I to be priced at the Class I price level.

This Class I milk definition is also quite similar to the one in the present Muskegon order. It differs only with respect to sour cream which is a Class I item in Muskegon. The Muskegon order classification of this product should not apply, however, because in the remainder of the consolidated marketing area handlers are not required to make this item from milk inspected and approved for fluid use.

With the principal exception of Class II shrinkage, the Class II milk definition of the present Southern Michigan order should be adopted also. Class II milk in the Southern Michigan order includes milk used to produce items which are not included in the fluid milk product definition. Handlers generally are not required to make these products from milk approved for fluid use. These Class II items compete in a common market with products made from manufacturing grade milk. Milk used to produce these products should remain in Class II.

This classification will permit competitive pricing of such milk and will enable cooperatives and handlers to manufacture and dispose of milk which is in excess of the fluid needs of the market. Certain other nonfluid items and month-end inventories are also included in Class II in the present Southern Michigan order. This classification for such products has worked satisfactorily and should be retained.

In the exceptions it was requested that a change be made in the provisions covering the classification of bulk transfers of cream to nonpool plants to clarify the effect of such provisions as to transfers to any unregulated nonpool plant located in a State other than Pennsylvania, New Jersey, New York, or New England. Both § 1040.43 (c) and (d) of the order are involved with cream transfers from pool plants to plants not under this or another Federal order. Proponents indicate that confusion has arisen as to the meaning of § 1040.43(c) in relation to (d). In response to the exceptions taken, the wording of such paragraphs has been modified to clarify the circumstances under which each applies.

Computation of plant shrinkage. The Class II shrinkage allowance as provided for under the current Southern Michigan order should be continued in the consolidated order, modified principally to permit a division of allowable shrinkage with respect to bulk tank deliveries of producer milk to a pool plant by a cooperative association operating in the capacity of a handler on such milk.

Under the present terms of both orders a maximum allowable shrinkage of 2 percent is permitted the handler of a pool plant with respect to producer milk receipts and certain bulk receipts of fluid milk products from other order plants and from unregulated supply plants. No shrinkage is allowed for handling at a supply plant or to a cooperative association as a handler on bulk tank milk deliveries to pool distributing plants. In such cases the full allowance for shrinkage is passed on to the transferee plant.

Several producer groups proposed an allowance to the cooperative of shrinkage up to one-half of 1 percent of the farm weights when it is the first handler on such bulk tank milk, and 1½ percent to the pool distributing plant handler who receives such milk from the cooperative.

Producers point out that in recent years the conversion from can to bulk tank has been at a rapid pace, accentuating the need for division in the assignment of shrinkage. Loss may occur, they contend, from adherence of milk to the side of the farm bulk tank, in the transfer from bulk tank to a farm pick-up tanker, and in the transfer from tanker to the plant of receipt.

It is concluded that the proposed division of shrinkage on bulk tank milk for which a cooperative association is a handler should be adopted.

As previously indicated, the trend to bulk tank operations in recent years has been significant with more than 85 percent of producer milk receipts under the two orders in combination now in bulk tanks. From market experience with bulk tanks the average difference between the sum of individual farm weights and the scale weight taken at the plant approaches one-half of 1 percent. This is in line with experience in other Federal order markets where a shrinkage allowance of one-half of 1 percent for the function of receiving and cooling alone has been determined to be reasonable.

The division of shrinkage between a cooperative association as a handler on bulk tank milk (allowance of up to one-half percent shrinkage) and the transferee handler who actually processes, bottles, and distributes the milk (allowance of up to 1½ percent shrinkage) together with the other terms adopted herewith will assure the cooperative handler a reasonable share of the total allowable shrinkage. The cooperative association as the first receiving handler of producer milk in bulk tank would be held accountable to the producer-settlement fund for any differences in the quantities of milk received from producers based upon farm measurements, and the total quantity of milk which the purchasing handler claims as received at his plant from the cooperative.

However, when the transferee-handler purchases such milk from the cooperative on the basis of the farm weights, the cooperative, of course, experiences no shrinkage. In such cases the order should continue to provide that actual shrinkage experienced by the transferee-handler up to 2 percent will be allowed him provided the market administrator is notified in advance on this basis of transaction. Similarly, when the handler operating the distributing plant purchases directly from producers without an intermediary handler involved, the maximum allowance for shrinkage at the plant would be continued at 2 percent.

Three handlers in the market objected to any change in shrinkage provisions which would divide the present maximum allowance of 2 percent. They held that if dipstick measurement at the farm

is properly handled, no shortage need exist. Two of the handlers so testifying alleged their actual plant shrinkage to be in excess of 1½ percent, the maximum amount of allowable shrinkage proposed to be permitted a pool distributing plant handler with respect to bulk purchases of milk by transfer from a cooperative association handler. In actual practice the handlers testifying purchase their producer milk supplies on the basis of farm weights and tests. Therefore, in such circumstance such handlers would not be denied the entire maximum 2-percent allowance under the terms proposed.

No provision is made for shrinkage allowance on milk diversions to nonpool plants. Although such an allowance is now provided for under both orders, little if any milk is handled in such manner in these markets. The expanded Southern Michigan market has ample pool plant manufacturing facilities for handling fluid milk reserves and it is not expected that the situation will change in the foreseeable future. Any variance in weights and tests associated with such a diversion is a matter that can be handled in the terms of sale between the diverting handler and the operator of the plant which physically receives the milk. This modification will eliminate the need for including additional order language without material effect upon handlers.

In their exceptions three cooperative associations requested that provision also be made for a half percent shrinkage allowance to any cooperative pool supply plant with respect to producer milk transferred in bulk to pool distributing plants. Although a proposal concerning this matter was made at the hearing, it was not adequately supported by evidence on the record. Record testimony on shrinkage was directed to that related to milk shipped by cooperative handlers in bulk tanks as discussed above.

(e) *Adjusted uniform price.* The method of computing the adjusted uniform price (applicable to milk not under the base-excess plan) should be modified.

It was proposed that the provision for an "adjusted" uniform price be modified. The adjusted uniform price applies only to producer milk for which no "base" has been computed, such as milk of a new producer, and to milk for which the producer has relinquished his computed base. At the present time the adjusted uniform price in each market is the computed uniform price reduced by a specified monthly percentage of the difference between the computed uniform price and the price (Class II) which is required to be paid for excess milk (over base). The present applicable monthly percentages involved in the adjustment are January through March, 30; April, May, and June, 50; July, 15; and August through December, 5. The producers' proposal would substitute an adjustment percentage of 30 for the months of July through December in lieu of the present percentages of 15 and 5.

The purpose of the base-excess plan is to encourage producers to achieve and maintain evenness in their deliveries of milk throughout the year. This can best be accomplished when there is a high degree of conformance to the plan and individual producers generally do not find it possible to relinquish their bases so as to gain temporary price advantage over producers who remain on base.

Proponents testified that under the present plan individual producers have found advantage in relinquishing bases; also, that as a consequence the effectiveness of the base plan, as a means of maintaining even production throughout the year, has been reduced significantly and will be reduced further unless the order is modified to mitigate this advantage.

The effect of the proposal would be to reduce the returns for milk which is delivered as "no base" milk in the months of July through December. At present the reduction in the uniform price paid for such milk in July is 15 percent of the difference between the market blend, or uniform price, and the excess milk price. In August through December the adjustment is limited to a reduction of only 5 percent of such difference in prices.

Some increase in the percentage reduction in the months of July through December is appropriate to insure effectiveness of the base plan. However, in view of the relatively even production pattern achieved in this market, there is no apparent reason why a uniform price reduction as great as 50 percent of the difference between the uniform and excess prices (as currently applies in April, May, and June) is needed in any month to accomplish the general objective of the provision. A flat reduction of 25 percent of such difference in prices should be sufficient in all months to offset, except in the most unusual cases, any gain in returns to a producer from relinquishing base as compared to returns accruing to other producers who remain on base while at the same time not constituting a deterrent to those individual producers who enter the market for the first time. Thus, the general objective of insuring the effectiveness of the base plan in the interest of an orderly market may be achieved without any significant increase in average adjustment to the uniform price all months considered.

Proponents further recognized that the expansion of the marketing area would result in regulation of certain plants now unregulated and thus bring under order pricing the milk of a number of additional dairy farmers who have not made a base under the terms of either order. Accordingly, they offered alternative proposals for integrating the milk of such dairy farmers into the base-excess payment plan. Any such dairy farmer could (1) provide actual records of his deliveries for the base-forming period on which a base could be computed, or (2) be paid the full (unadjusted) market blend price until such time as he had shipped through a full base-forming period. The purpose of these alternative procedures is to avoid any price penalty to such dairy farmers who could be brought under the plan without prior knowledge of it.

The recommended decision concluded that the dairy farmers who supply milk to the currently unregulated handlers in the counties to be added to the marketing area should be accorded the proposed alternatives. In the exceptions it was pointed out that the recommended decision would require such producers to begin making base as soon as the expanded order would become effective. Exceptors contended that this would provide such producers too little time to adjust their production for base-making. It was suggested that they be permitted to delay the establishment of bases until August–December 1966 and that they be paid the uniform, rather than the adjusted uniform, price until February 1, 1967. One exceptor suggested that producers who supply any newly regulated plant be paid the full uniform price until they had completed a full base-forming period. In this case the full uniform price would apply whether the plant became newly regulated because of expansion of the marketing area or for other reasons.

Producers who supply any newly regulated plant should be given adequate time to prepare for base-making. The provision of the recommended decision should be changed to give producers who enter the market as the result of original qualification of the plant as a pool plant the option to receive the full uniform price until the second February 1 after the plant first became pooled. This will provide any such producer adequate time to adjust his production before making base if such time is needed.

In order to insure the correct basis of payment, producers who elect to be paid the unadjusted uniform price should be required to notify the market administrator of the election of this option before the end of the month such option would become effective.

The merger of the Muskegon order into the Southern Michigan order raises the question of the validity of bases previously made under the former order. Proponents suggested that bases made under the rules of such order be recognized until all producers under the consolidated order receive recomputed bases for the following year in the normal manner. In view of the similarity of present base-excess plans under the two orders, the use of bases in effect under each of the present orders will result in a reasonable distribution of producer returns during any such temporary period under a consolidated order. Therefore, it is not necessary or appropriate to extend in such instances the option of payment at the unadjusted blend price as in the case of completely new shippers. Present producers under the separate orders, however, should continue to have the privilege of relinquishing base under the option of the adjusted uniform price as described above.

(f) *Method of pooling.* Marketwide pooling provisions which are now included in both Southern Michigan and Muskegon orders should be retained in the consolidated order. Marketwide pooling is required in this market to maintain orderly marketing.

A marketwide pool is necessary to distribute among all producers the burden of carrying the reserve milk supply for the market and thus to insure orderly disposal of such reserve milk. The re-

serve supplies of the Southern Michigan market are unevenly distributed among pool plants. With somewhat lesser differences, this is also true in the Muskegon market. At one extreme are the supply plants with manufacturing facilities, nearly all of which are operated by cooperatives. Conversely, the great majority of the proprietary distributing plants ordinarily receive only enough producer milk to supply their Class I needs. Relatively few distributing plants maintain manufacturing facilities although certain of such plants process cottage cheese. It is at the cooperative supply plants that most of the reserve milk for the market is carried and manufactured. This relieves most proprietary handlers from directly disposing of their daily and seasonal surpluses.

A proposal for individual-handler pools was made at the hearing. Under individual-handler pools producers who deliver their milk to supply plants in this market would receive prices considerably lower than those who ship to distributing plants with high Class I utilization. The difference in such prices conceivably could be nearly as wide as the difference between the Class I and Class II prices. Thus, the major part of the burden of reserve milk would be reflected in prices to producers at supply plants, while producers delivering to proprietary distributing plants would enjoy virtually a Class I return for all their milk. Cooperatives thus would be handicapped in maintaining efficient facilities for the orderly disposition of milk destined for manufacturing and in assembling milk for shipment to the fluid market. A change to handler pooling undoubtedly would force producers and handlers to develop new methods of handling market supplies of milk, in all probability with reduced efficiency in marketing and an unstable price situation for producers generally.

Marketwide pooling has enabled cooperative associations to develop manufacturing facilities for the efficient handling of the reserve supplies, and yet to be in position to return to their producers the same price as is paid by those handlers who do not assume any direct responsibility of carrying reserve supplies or of providing for their disposition when not needed for bottling. To enable the continued efficient handling of reserve milk, market pooling should be continued.

Market pooling is needed also to provide stable producer prices. Certain sales practices are prevalent which, under handler pooling, could cause wide, unpredictable swings in producer prices at individual plants. It is becoming commonplace for handlers to sell milk in large amounts to wholesale outlets—generally supermarkets or chain store accounts. Competition among handlers for these accounts is keen, and the accounts change hands frequently. When this happens, the percentage of Class I use of the handler can change significantly. Under an individual-handler pool, the producers at a single plant would absorb the entire gain or loss of such an account and an equal loss or gain in sales, as the case may be, would be reflected in the producer blend prices at another plant. In such instances, producer prices at the plants involved could fluctuate markedly. Changes in excess of 25 cents per hundredweight or more could result. It is difficult for individual producers to plan their operations efficiently when prices can vary to this extent simply because of the change of an account from one handler to another.

When such shifts in sales between pool handlers take place under a marketwide pool, however, there is no resulting change in producer prices. This is so because market Class I utilization in the aggregate is prorated over all producers. The greater stability of producer prices under marketwide pooling will assist producers in planning their operations.

An alternative proposal was submitted for consideration in the event marketwide pooling is continued. Under the alternative proposal handlers selling primarily "special milks" would be permitted, upon meeting several requirements, to pay their producers the respective utilization values of milk in their own plants through individual-handler pools.

It was suggested that to become eligible for such "limited" individual-handler pooling, "special milks" might have such identifying characteristics as: (a) milk from a single breed of cow, (b) milk for which the applicable health requirements for production are more stringent than for market milk meeting normal health restrictions, (c) milk of fat, solids-not-fat and protein content higher than that of regular milk, (d) milk with brand differentiation, such as "Golden Guernsey", "All-Jersey", "Certified", etc., or (e) milk produced by farmers belonging to a recognized sales and merchandizing organization. Four types of milk presumably would qualify immediately for individual-handler pooling provided the additional proposed requirements below were met. These are: Certified milk, "immune" milk, Golden Guernsey milk, and All-Jersey milk. Other types also could qualify if and when a specified standard, as "special milk", were met.

In addition, any "special milk" would be derived solely from milk separately produced, handled, and processed so as to preserve its physical identification at all times. Also, the plant would have to maintain "special milk" sales in amounts not less than 70 percent of the total Class I sales of the plant. Plants failing to maintain this percentage would re-enter the marketwide pool. Finally, any separate handler pool would be subject to producer approval. A favorable vote by 80 percent of the "special milk" producers at the plant would make the individual-handler pool effective.

The record does not provide grounds for the conclusion that the identifying characteristics suggested distinguish "special milk" from other milk in the market for pricing and pooling purposes. No showing was made in the record that there is an inherent value attached to any of the types of milk referred to which is not reflected at present in the price and butterfat differential provision of the order. For example, at the present time "All-Jersey" milk at retail is available to consumers at the same retail price as regular milk.

Further, even if "special milks" could be feasibly identified apart from regular milk on their intrinsic value, it would not be appropriate to provide for their separate pooling. Separate pooling would place the producers remaining in the marketwide pool at a disadvantage. The "special milk" handler could shift the burden of his surplus milk to the marketwide pool by dropping individual producers when production exceeds sales of the "special milk." These producers then could enter a plant in the marketwide pool and share in its Class I sales. When the milk was needed again at the plant handling "special milk," the producers could return to the latter plant. Such practice, of course, would result in market pooling of the plant's surplus without enabling producers in the marketwide pool to share in any Class I returns from the sales of "special milk."

Another feature of the proposal also would cause adverse effect on producers in the market pool. A requirement of the proposal is that a handler shall maintain 70 percent of his Class I business in "special milk" in order to have an individual-handler pool. Therefore, by varying the percentage of his business under the label or other designation as "special milk" a handler could shift his plant back and forth between the market pool and his own pool to suit his own advantage. For example, if a handler's Class I utilization rose above the market average, he could, on seeing a milk procurement advantage, withdraw from the marketwide pool and pay his producers the use value for their milk based on his own utilization. Should the Class I use of such a handler fall below the market average, he could re-enter the marketwide pool to draw from the equalization fund simply by reducing his sales designated as "special milk" below the 70-percent minimum. Again, producers of the "special milk" plant would share in the market pool's Class I sales at such times, but never would share their Class I sales with the other producers.

It should be further noted that the class and uniform prices to producers fixed by the order are minimums and that any value which should accrue to producers providing milk for special purposes may be bargained over and above the order level which is geared to providing an adequate supply of milk of generally acceptable market quality.

In view of the foregoing, the proposals for individual handler pools are denied.

(g) *Milk diverted from plants under another order.* When milk is diverted to a pool plant from a nonpool plant which is regulated under another order, provision should be made to preclude pooling the same milk under two orders. Contrariwise, provision should be made to preclude pooling milk which is diverted from a pool plant to another order plant and is subject to pooling under such other order.

The Southern Michigan order now provides for the allocation of milk transferred between pool plants and plants regulated under other orders. Order 40 does not set forth clearly, however, the status of a dairy farmer whose milk is diverted between a pool plant and a plant subject to regulation under a different

order. Under bulk tank handling milk may be moved between order markets directly from farms, particularly along the southern border of Michigan where the production area is common to several regulated markets.

Two proposals were made to specify the producer status of a dairy farmer when his milk is received at a pool plant by diversion from an other order plant. One proposal, by certain cooperative associations, would assign such dairy farmer producer status when a greater quantity of his milk is delivered during the month to a Southern Michigan order distributing plant than is physically received at a distributing plant under the other order. It was testified that milk has been diverted from the Northwestern Ohio order market to a Southern Michigan order distributing plant and that the order should clearly specify whether such milk is to be treated as producer milk or as other source milk. It was proposed by the producer groups that producer status be automatic when a majority of the producer's milk is delivered to the Southern Michigan pool plant. Another proposal, made by a proprietary handler, would exempt from producer milk status any milk received by diversion from another order plant. Thus, the determining factor would be the limit placed on diversions pursuant to the other order. In this connection the handler witness cited the provisions of the Northwestern Ohio order which allow diversion of an individual producer's milk on all but four days of the month.

The allocation provisions of the Southern Michigan order provide that bulk milk received from another order plant can be designated Class II use by both handlers if so reported, otherwise such other source milk is allocated pro rata to the handler's utilization in the same manner as producer milk. No change in the allocation provision was at issue. However, this provision is relevant in determining whether milk received by diversion from another regulated market should be designated producer milk. In the event that such milk is diverted for intended Class II use it would be appropriate to exempt the milk from producer milk status as it may be the most convenient outlet for disposing of reserve supplies of the market from which diverted. However, in the event such milk is not specifically diverted for Class II use, some reasonable limit on the diversion as other source milk is appropriate. Otherwise, supplies which were historically associated with another market could be shifted to the Southern Michigan market on a direct-delivery basis in the same manner as the milk of regular producers without actually becoming producer milk.

A limit based upon majority shipment is reasonable since if more milk is shipped to Southern Michigan order pool plants than to plants under the other order, the primary association is with the Southern Michigan market. Such producer status should be based on the quantities of such milk which is delivered to all pool plants (exclusive of that milk for which Class II use is requested) rather than just distributing plants, since milk delivered to supply plants can be allocated to Class I use under some circumstances. However, since the provisions of a neighboring order would not necessarily exempt such milk from producer status thereunder even if otherwise subject to pooling in the Southern Michigan market, the provision should be constructed to preclude pooling producer milk under both the Southern Michigan order and another order at the same time. Consequently, if the other order does not release the milk for pooling under the Southern Michigan order, it must remain under the other order.

The present Southern Michigan and Muskegon orders place no limits on the amount of milk which may be diverted to nonpool plants during the month and retain status as pooled milk. There was no proposal and no evidence calling for a limitation on such shipments out of the market in excess of which the milk would lose its status as producer (pool) milk.

However, in the event diversion is made to a nonpool plant which is an other order plant, the milk should not be subject to pooling under both orders. In order to avoid duplication of regulation, it is provided in the consolidated order that milk diverted to an other order plant will lose its status as pool milk under the Southern Michigan order immediately upon becoming subject to pooling under the other order as producer milk as defined therein.

(h) *Administrative and miscellaneous provisions.* The maximum rate of administrative assessment under the consolidated order to cover administrative costs should be 2 cents per hundredweight. The maximum deduction to cover costs of marketing services to producers should be 5 cents per hundredweight. The above rates are the same as those in the present Southern Michigan order. Muskegon order maximums are 4 cents for administrative assessment and 7 cents for marketing services.

Administrative and marketing service costs per hundredweight of milk under the merged order should average about the same as under the present Southern Michigan order. This is so because present Southern Michigan order plants and producers will account for most of the milk in the market. About 95 percent of the producer milk under the consolidated order will be received at plants which are regulated by the present Southern Michigan order. A very high percentage of the producers for whom the market administrator will perform marketing services ship to these Southern Michigan plants also. While maximum administrative assessment and marketing service rates on milk which is now received at Muskegon order plants are somewhat higher than on milk under the Southern Michigan order, it is expected that in view of the substantially greater volumes involved under a combined order, the effective rates on such milk need not be higher than those provided in the present Southern Michigan order.

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

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

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

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

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

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

(e) 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, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including milk of such handler's own production);

(2) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

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

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 Southern Michigan Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area" (which is a consolidation of and amendment to the orders regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas), 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.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Michigan marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of March 1965, is hereby determined to be the representative period for the conduct of such referendum.

George Irvine is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on June 15, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Subpart—Order Regulating Handling

Order[1] Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area

DEFINITIONS

AUTHORITY: The provisions of this Part 1040 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1040.0 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 Southern Michigan 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

[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.

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, two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including milk of such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area, redefined as the Southern Michigan marketing area, shall be in conformity to, and in compliance with, the terms and conditions of Part 1040 as hereby amended. Part 1042 is hereby revoked and Part 1040 is 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, Regulatory Programs, on April 27, 1965, and published in the FEDERAL REGISTER on May 1, 1965 (30 F.R. 6163; F.R. Doc. 65-4591), subject to a revision of §§ 1040.16, 1040.43, 1040.54, 1040.70, and 1040.72, shall be and are the terms and provisions of this order amending the order and the order is set forth in full herein.

DEFINITIONS

§ 1040.1 Act.

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

§ 1040.2 Secretary.

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

§ 1040.3 U.S.D.A.

"U.S.D.A." means the United States Department of Agriculture.

§ 1040.4 Person.

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

§ 1040.5 Cooperative association.

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

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

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

(c) To have all of its activities under the control of its members.

§ 1040.6 Southern Michigan marketing area.

"Southern Michigan marketing area", hereinafter referred to as the "marketing area", means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

MICHIGAN COUNTIES

Alcona.	Mason.
Allegan.	Missaukee.
Alpena.	Monroe (Ash and Berlin townships only).
Arenac.	
Barry.	
Bay.	Montcalm.
Calhoun.	Montmorency.
Clare.	Muskegon.
Clinton.	Newaygo.
Eaton.	Oakland.
Genesee.	Ottawa.
Gladwin.	Oceana.
Gratiot.	Ogemaw.
Huron.	Osceola.
Ingham.	Oscoda.
Ionia.	Presque Isle (Krakow and Presque Isle townships only).
Iosco.	
Isabella.	
Jackson.	
Kalamazoo.	Roscommon.
Kent.	Saginaw.
Lake.	St. Clair.
Lapeer.	Sanilac.
Livingston.	Shiawassee.
Macomb.	Tuscola.
Mecosta.	Washtenaw.
Midland.	Wayne.

§ 1040.7 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

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

(c) Any cooperative association with respect to milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

(d) Any cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for the account of such association;

(e) Any person in his capacity as the operator of an other order plant from which fluid milk products are distributed on routes in the marketing area or shipped to a pool plant; and

(f) Any producer-handler.

§ 1040.8 Producer.

"Producer" means any person, other than a producer-handler under any Federal order, who produces milk, approved by any duly constituted health authority for fluid consumption in the marketing area, which is moved to a pool plant, or to any other plant by diversion from a pool plant. The term shall include such a person with respect to milk diverted to a pool plant from an other order plant (unless designated for Class II use) during any month in which the quantity diverted is greater than the quantity of milk physically received from such person at the plant from which diverted and such milk is exempt from the pooling provisions of the other order.

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

§ 1040.10 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.7 (c) and (d) and that diverted to a nonpool plant by the operator of a pool plant, except milk which is subject to pooling under another Federal order.

§ 1040.11 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, (2) producer milk and (3) that received from a cooperative association pursuant to § 1040.7(c); 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.

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except

storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk plant.

§ 1040.14 Distributing plant.

"Distributing plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is processed or packaged and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

§ 1040.15 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant.

§ 1040.16 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products from supply plants and cooperative associations pursuant to § 1040.7(c).

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraph (1), (2), (3), or (4) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), (3), or (4) of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of February through September a unit shall not contain any plant which was not qualified as a pool plant either individually or as a member of a unit during the previous October through January.

(1) A plant from which not less than 25 percent or the call percentage, whichever is higher, of receipts of producer milk and receipts for which a cooperative association is the handler pursuant to § 1040.7(c), less any milk disposed of from the plant as Class I other than by transfer to pool plants of other handlers, is moved to a pool distributing plant. If such plant has met the required percentage during each of the months of October through January, it shall be a pool plant for each of the following months of February through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies pool distributing plants with member producer milk, either by shipment from such plant or by direct delivery from the farm, in a total amount not less than one-half or the call percentage, whichever is higher, of the aggregate receipts of fluid milk products at all pool distributing plants.

(3) A plant operated by a cooperative association which supplies pool distributing plants, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were a pool plant in each of the preceding 13 months, not less than one-half of its total member producer's milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(4) A plant operated by a cooperative association which supplies pool plants of other handlers, by direct delivery from the farm, with not less than two-thirds or the call percentage, whichever is higher, of its total member producer milk.

§ 1040.17 Call percentage.

"Call percentage" means the percentage computed by the market administrator in addition to the minimum percentage pooling requirements applicable to supply plants and cooperative associations under § 1040.16(b). A call percentage of not less than 25 percent may be computed and announced for each month except April, May, June, and July as follows:

(a) Estimate the pounds of Class I milk utilization for the month, including an additional 15 percent thereof as an operating margin, at pool distributing plants that received milk from pool supply plants pursuant to § 1040.16(b) during each of the immediately preceding 12 months;

(b) Subtract from the Class I milk estimated pursuant to paragraph (a) of this section, the estimated pounds of milk which will be received at such pool distributing plants during the month from (1) producers' farms, (2) pool plants pursuant to § 1040.16(b) that regularly shipped their entire available supply of producer milk to pool plants in each month of the immediately preceding August through March period, and (3) cooperative associations pursuant to § 1040.7(c);

(c) Divide the remaining pounds of Class I milk by the estimated receipts of producer milk at pool plants pursuant to § 1040.16(b) except those described in paragraph (b)(2) of this section (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants);

(d) Multiply the result by 0.75;

(e) The announcement of the call percentage shall be made on or before the first day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and supplies are based together with appropriate explanatory comments on the computations involved;

(f) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to distributing plants.

§ 1040.18 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 class 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 under this or any other Federal order issued pursuant to the Act.

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

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product approved by any duly constituted health authority for fluid consumption in the marketing area is shipped during the month to a pool plant.

§ 1040.19 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 1040.70 multiplied by the number of days for which his milk production is delivered during the month.

§ 1040.20 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

Market Administrator

§ 1040.25 Market administrator.

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 by, the Secretary.

§ 1040.26 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1040.27 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, 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 the funds provided by § 1040.86:

(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 § 1040.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided 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 §§ 1040.30 and 1040.31; or

(2) Payments pursuant to §§ 1040.80 through 1040.87;

(g) Calculate a base for each producer in accordance with § 1040.70 and advise the producer and the handler receiving the milk of such base;

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

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(j) Prepare and disseminate to producers, handlers and the public, general information which does not reveal confidential information;

(k) Compute and publicly announce the prices determined for each month as follows:

(1) On or before the sixth day of each month, the Class I price computed pursuant to § 1040.51 for the current month; and the Class II price computed pursuant to § 1040.52 and the handler and producer butterfat differentials computed pursuant to §§ 1040.53 and 1040.82, for the preceding month; and

(2) On or before the 11th day of each month, the uniform price, the adjusted uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 1040.62, 1040.63, 1040.64, and 1040.65.

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1040.46(a)(8) and the corresponding step of § 1040.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(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 § 1040.46 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.

Handler Reports, Records, and Facilities

§ 1040.30 Monthly reports of receipts and utilization.

On or before the fifth working day of each month, each handler other than a handler exempt pursuant to §§ 1040.90, 1040.91, or 1040.92, shall report to the market administrator for the preceding month in the detail and on the forms prescribed by the market administrator as follows:

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

(1) Milk received from producers (or from qualified dairy farmers, in case of a nonpool plant) including the aggregate quantities of base milk, excess milk, and milk to be paid for either at the uniform or adjusted uniform price;

(2) Fluid milk products received from other pool plants and cooperative associations pursuant to § 1040.7(c),

(3) All other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report by each handler pursuant to § 1040.7(b) shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Such other information as the market administrator may prescribe.

§ 1040.31 Other reports.

(a) Each producer-handler and each handler described in §§ 1040.90 and 1040.91 shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk, or the pounds of milk to be paid for at the uniform or adjusted uniform price, received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1040.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If within such 3-year period, the market administrator notifies a 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 until further written notification from the market administrator. 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 of Milk

§ 1040.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported pursuant to § 1040.30 shall be classified pursuant to §§ 1040.41 through 1040.46.

§ 1040.41 Classes of utilization.

Subject to the conditions set forth in §§ 1040.43 and 1040.44, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II milk.

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

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

(2) Skim milk and butterfat disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Skim milk and butterfat disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(5) Skim milk and butterfat in frozen cream;

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

(7) Skim milk and butterfat, respectively, in shrinkage as computed pursuant to § 1040.42 (a) and (b); and

(8) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1040.42(d) (ii).

§ 1040.42 Shrinkage.

The market administrator shall allocate shrinkage to a handler's receipts as follows:

(a) The quantities of skim milk and butterfat, respectively, to be classified as Class II pursuant to § 1040.41(b) (7) shall not exceed 2 percent (except as provided in paragraph (b) of this section) with respect to skim milk and butterfat received as follows:

(i) Producer milk physically received at a pool plant;

(ii) Bulk receipts of fluid milk products from other order plants or from unregulated supply plants, exclusive of the quantities for which Class II was requested by the handler(s) involved.

(b) Two percent with respect to receipts from a cooperative association handler under § 1040.7(c) if settlement with the association is on the basis of weights and tests determined at the farm and the market administrator is so notified of such basis of settlement on or before the handler submits his monthly report pursuant to § 1040.30; otherwise the maximum shrinkage allowance to the handler on such milk shall be 1½ percent and to the association handler one-half percent.

(c) In computing shrinkage, producer milk received at a pool supply plant and transferred in bulk from such plant to a pool distributing plant shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant.

(d) When a handler has receipts of other source milk, shrinkage shall be allocated pro rata to skim milk and butterfat, respectively, in:

(i) Producer milk and other receipts of milk specified in paragraphs (a) and (b) of this section; and

(ii) Other source milk exclusive of that specified in paragraph (a) of this section.

§ 1040.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler except as provided in § 1040.44(b), subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1040.46(a) (1) through (8) and the corresponding steps of § 1040.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1040.46(a)(3), 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 § 1040.46(a) (7) or (8) and the corresponding steps of § 1040.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class II milk, if transferred in the form of cream in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant if the handler claims Class II utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York, or New England, otherwise assignment of cream transferred shall be pursuant to paragraph (d) or (e) of this section;

(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, 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 § 1040.30 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 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 subdivision (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;

(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 pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more

than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1040.41.

§ 1040.44 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Milk in bulk delivered by a cooperative association as a handler under § 1040.7(c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

§ 1040.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors in the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler. 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 normally associated with such solids in the form of whole milk.

§ 1040.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1040.45, the market administrator shall determine for each handler the classification of producer milk and milk received pursuant to § 1040.44(b) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1040.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

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

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption in the marketing area or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

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

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1040.43(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk and milk received pursuant to § 1040.44(b), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

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

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of such milk in each class.

MINIMUM CLASS PRICES

§ 1040.50 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 U.S.D.A. 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 U.S.D.A. for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1040.51 Class I milk price.

Subject to the provisions of §§ 1040.53 and 1040.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class I milk shall be as follows:

(a) To the basic formula price for the preceding month add $1.40 and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section.

(b) A "supply-demand adjustment" shall be computed for the month as follows:

(1) Divide the total pounds of producer milk for the second and third months next preceding by the total pounds of Class I milk for the same months, multiply the result by 100 and round to the nearest whole number. Such receipts and utilization data for months prior to the effective date of this part to be used for such computation shall be those established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders. The result shall be known as the "current utilization percentage."

(2) Multiply by $0.03 the number of percentage points that the "current utilization percentage" is above (subtract) or below (add) the applicable standard utilization percentage listed below:

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	135
March	December, January	134
April	January, February	132
May	February, March	133
June	March, April	135
July	April, May	141
August	May, June	147
September	June, July	143
October	July, August	139
November	August, September	138
December	September, October	133

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II milk shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of paragraphs (a) and (b) of this section plus 10 cents, rounded to the nearest cent:

(a) From the average Chicago butter price for the month described in § 1040.50 subtract 3 cents and multiply the remainder by 4.2; and

(b) From the weighted average of carlot prices per pound of spray process, nonfat dry milk for human consumption, f.o.b., manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S.D.A., deduct 5.5 cents, and multiply by 8.2.

§ 1040.53 Handler butterfat differential.

There shall be added to or subtracted from, the price of milk for each class as computed pursuant to §§ 1040.51 and 1040.52, for each one-tenth of 1 percent that the average butterfat test of the milk in each class is above or below 3.5 percent, as the case may be, an amount equal to the average Chicago butter price for the month as described in § 1040.50 multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 1040.54 Location adjustments to handlers.

(a) For producer milk received at a pool plant and classified as Class I milk without movement to another pool plant and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1040.51 shall be reduced pursuant to subparagraph (1) or (2) of this paragraph on the basis of the applicable rate per hundredweight for the location of such plant.

(1) *Zone rates.* For a plant located within the following described territory, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

Zone I—No adjustment:

Genesee.
Oakland.
Macomb.
Wayne.
Monroe.
St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville townships).
Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter townships).
Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove townships).
Bay (except Gibson, Mt. Forest, Pinconning, Garfield, and Fraser townships).

Zone II—3 cents:

Ingham.
Livingston.
Jackson.
Lenawee.
Washtenaw (all the townships excluded from Zone I).

Zone III—5 cents:

Lapeer.
St. Clair (all the townships excluded from Zone I).
Sanilac (except Greenleaf, Austin, Minden, Delaware, Evergreen, Argyle, Wheatland, Marion, Forester, Lamotte, Moore, Custer, and Bridgehampton townships).
Tuscola (except Denmark, Juniata, Indianfields, Wells, Kingston, Gilford, Fairgrove, Almer, Ellington, Novesta, Wisner, Akron, Columbia, Elmwood, and Elkland townships).
Arenac.
Bay (all the townships excluded from Zone I).
Gladwin.
Midland.
Isabella.
Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain townships).
Gratiot.
Saginaw (all the townships excluded from Zone I).
Clinton.
Shiawassee.
Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa townships).
Eaton.

Zone IV—7 cents:

Sanilac (all the townships excluded from Zone III).
Tuscola (all the townships excluded from Zone III).
Huron.
St. Joseph.
Branch.
Hillsdale.
Calhoun.
Kalamazoo.
Barry.
Ionia (all the townships excluded from Zone III).
Kent.
Montcalm (all the townships excluded from Zone III).
Mecosta.

Zone V—9 cents:

Berrien.
Cass.
Van Buren.
Allegan.
Ottawa.
Muskegon.
Newaygo.
Lake.
Osceola.
Clare.
Missaukee.
Roscommon.
Ogemaw.
Iosco.
Mason.
Oceana.

Zone VI—12 cents:

Alcona.
Oscoda.
Crawford.
Kalkaska.
Grand Traverse.
Wexford.
Manistee.

Zone VII—15 cents:

Alpena.
Montmorency.
Otsego.
Antrim.
Leelanau.
Benzie.
Charlevoix.
Emmet.
Cheboygan.
Presque Isle.

(2) *Mileage rate.* For any plant at a location outside the territory specified in the preceding paragraph (a)(1), the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest point in such territory as determined by the market administrator, and shall be the amount of the zone differential applicable at such point plus one cent for each 10 miles or fraction thereof from such point.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.16(a), the operator of the transferee plant shall receive credit at the applicable zone or mileage rate, based on the location of the transferor plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee plant is in excess of the sum of receipts at such plant (1) from producers, (2) from cooperative associations pursuant to § 1040.7(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

§ 1040.55 Use of equivalent prices.

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

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1040.60 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 milk in each class, as computed pursuant to § 1040.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1040.46(a)(10) and the corresponding step of § 1040.46 (b) by the applicable class prices;

(c) Add the amount obtained from 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 § 1040.46(a)(5) and the corresponding step of § 1040.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(3) and the corresponding step of § 1040.46(b); and

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b).

§ 1040.61 Computation of the 3.5 percent value of all milk.

For each month the market administrator shall compute the 3.5 percent value of all milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 1040.60;

(b) Adding if the weighted average butterfat test of all milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1040.82 multiplied by 10;

(c) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.81(a)(1); and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 1040.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1040.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1040.60(e); and

(b) Subtract not less than 6 nor more than 7 cents from the price computed pursuant to paragraph (a) of this section.

§ 1040.63 Adjusted uniform price.

For the purpose of payments pursuant to § 1040.70(c) the uniform price computed pursuant to § 1040.62 shall be adjusted by deducting therefrom 25 percent of the difference between the uniform price and the excess milk price, rounded to the nearest cent.

§ 1040.64 Excess milk price.

For each month, the excess price shall be the price of Class II milk, determined pursuant to § 1040.52, rounded to the nearest cent.

§ 1040.65 Computation of uniform price for base milk.

(a) Multiply the total pounds of excess milk for the month by the excess milk price;

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1040.70 (d) and (e)(2) by the uniform price for the month;

(c) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 1040.70(c) by the adjusted uniform price for the month;

(d) Subtract the total values arrived at in paragraphs (a), (b), and (c) of this section and § 1040.84(b)(2) from the total 3.5 percent value of all producer milk arrived at in § 1040.61;

(e) Divide the resultant value by the total hundredweight of base milk; and

(f) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content.

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-equalization 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 § 1040.30 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 § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, 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 report pursuant to § 1040.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1040.16(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 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 for an amount of milk equivalent to that received from such supply plant, and (ii) any payment 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 (except that deducted under a similar provision of another order issued pursuant to the act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) 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 pursuant to § 1040.62 at the same location or at the Class II price, whichever is higher.

§ 1040.67 Notification.

On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 1040.80, 1040.84, 1040.86, 1040.87, and 1040.88.

BASE RULES

§ 1040.70 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1040.72, for the 12-month period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 1040.71(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d) and (e) of this section a producer who has no base shall be paid until February 1 following the August–December period within which he estab-

lishes a base pursuant to paragraph (a) of this section at not less than the adjusted uniform price computed pursuant to § 1040.63;

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid not less than the uniform price for all milk delivered; and

(e) When a plant first becomes a pool plant any producer (except a producer as defined in the Muskegon order in the month prior to the effective date of this paragraph) delivering to such plant may:

(1) Establish a base on deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator, except the base of a producer applicable pursuant to the Muskegon order in the month immediately preceding the effective date of this paragraph shall be his base pursuant to this section through January 31, 1966; or

(2) Elect payment at not less than the uniform price computed pursuant to § 1040.62 until the second February 1, after such plant first became a pool plant. Such election must be made on or before the end of the first month for which it is effective.

§ 1040.71 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred;

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family;

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator; and

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under State or Federal authority.

§ 1040.72 Relinquishing a base.

A producer notifying the market administrator that he relinquishes his established base shall be paid pursuant to the provisions of § 1040.70(c) beginning with the first day of the month in which such notification is received by the market administrator until the next February 1.

PAYMENTS FOR MILK

§ 1040.80 Time and method of payment to producers.

(a) Except as provided by paragraph (b) of this section, on or before the 15th 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 prices computed pursuant to §§ 1040.62, 1040.63, 1040.64, or 1040.65 adjusted by the location and butterfat differentials pursuant to §§ 1040.81 and 1040.82 less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer. If by such date such handler has not received full payment for such month pursuant to § 1040.85 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) 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 on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th 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 such 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.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month 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.

(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;

(3) The foregoing payment and the submission of information pursuant to subparagraph (1) of this paragraph, 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 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.

(c) On or before the 13th 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, or by bulk tank delivery pursuant to § 1040.7(c), not less than an amount computed by multiplying the uniform price for base milk subject to the location adjustment, if any, applicable at the transferee plant as provided by § 1040.81 and the butterfat differential provided by § 1040.82, by the total hundredweight of milk received by such handler from the cooperative association.

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

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payments to producers or cooperative associations pursuant to § 1040.80 each handler:

(1) May deduct for base milk and milk to be paid for at the uniform price or adjusted uniform price the rate per hundredweight applicable pursuant to § 1040.54(a) (1) or (2) for the location of the plant at which the milk was first physically received;

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within the townships of Royal Oak and Southfield in Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livona, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle, all in the State of Michigan.

(b) When milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location differential rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate

shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For purposes of computation pursuant to § 1040.84 and § 1040.85, the uniform price shall be adjusted at the rates set forth in § 1040.54 applicable at the location of the nonpool plant from which the other source milk was received.

§ 1040.82 Producer butterfat differential.

In making payments pursuant to § 1040.80, the base price and excess price or the uniform prices shall be increased or decreased for each one-tenth of 1 percent of butterfat content that the milk received from each producer or a cooperative association is above or below 3.5 percent, as the case may be, by the butterfat differential computed under § 1040.53 rounded to the nearest one-half cent.

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1040.66 and 1040.84 and out of which he shall make all payments pursuant to § 1040.85.

§ 1040.84 Payments to the producer-equalization fund.

On or before the 13th 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 sum of:

(1) The net pool obligation computed pursuant to § 1040.60 for such handler; and

(2) In the case of a cooperative association which is a handler, the value, at the uniform price for base milk, of milk delivered to other handlers pursuant to § 1040.44(b).

(b) The sum of:

(1) The value of such handler's producer milk as specified in § 1040.80, excluding any applicable location differential pursuant to § 1040.81(a)(2); 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 § 1040.60 (e).

§ 1040.85 Payments from the producer-equalization fund.

On or before the 14th 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 § 1040.84(b) exceeds the amount computed pursuant to § 1040.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-equalization fund is insufficient to make all payments to all 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.

§ 1040.86 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 13th day after the end of the month 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

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

(b) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1040.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1040.80(a) for milk received from each producer (including 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 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed 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, for which payment is not made pursuant to § 1040.80 (b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1040.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1040.88 Adjustment of accounts.

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 moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To 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 provisions under which such error occurred, following the fifth day after such notice.

§ 1040.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1040.84, 1040.85, 1040.86, 1040.87, and 1040.88 shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 1040.90 Handler exemption.

A handler who operates a plant, other than a plant described in § 1040.16(b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.91 Handlers subject to other Federal orders.

A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.92 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.93 Special reporting dates.

When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1040.27 (k)(2), 1040.30, 1040.31(b), 1040.66, 1040.80, 1040.84, 1040.85, 1040.86, and 1040.87 which follows such holiday shall be postponed by the number of days lost as a result of such holiday.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address,

and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the 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 a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(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 or records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1040.101 Effective time.

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

§ 1040.102 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision thereof, 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 thereof.

§ 1040.103 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1040.104 Liquidation.

Under 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

§ 1040.110 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.

§ 1040.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 65-6442; Filed, June 17, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-35]

VOR Federal Airways

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter, in part, VOR Federal airways Nos. 14, 88, 191, 210, 426, 804, and 859.

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 amendments. The proposals 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.

In accordance with the application of CAR Amendment 60-21/60-29, the Federal Aviation Agency proposes to raise the floors of the following airway segments from 700 feet to 1,200 feet above the surface as hereinafter set forth.

1. V-14 from Neosho, Mo., to Findlay, Ohio.

2. V-88 from Springfield, Mo., to the intersection of the Richwood, Mo., 086° T (078° M) and the St. Louis, Mo., 170° T (180° M) radials.

3. V-191 from Farmington, Mo., to Rhinelander, Wis.

4. V-210 from Kansas City, Mo., to the intersection of the Indianapolis 069° T (068° M) and the Fort Wayne, Ind., 187° T (187° M) radials.

5. V-426 for the entire airway.

6. V-804 from the intersection of the Rosewood, Ohio, 261° T (262° M) and the Indianapolis, Ind., 069° T (068° M) radials, to Kansas City, Mo.

7. V-859 from the intersection of the Joliet, Ill., 067° T (065° M) and the Roberts, Ill., 008° T (005° M) to Neosho, Mo.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 11, 1965.

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

[F.R. Doc. 65-6412; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16006]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Extension of Time To File Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (New Albany, Ohio, Decatur, Ind., Elizabethton, Tenn., Ocean City, N.J., Oakland (Western) Md., Fairmont and Keyser, W. Va., Aiken, S.C., and Louisville, Ga., Copperhill, Clinton, Dayton, and Oak Ridge, Tenn., Winter Park and Leesburg, Fla., Crossville and Athens, Tenn., and Tucson, Ariz.), Docket No. 16006, RM-694, RM-739, RM-740, RM-743, RM-731, RM-750, RM-736, RM-675, RM-745, RM-693, RM-751.

1. On May 7, 1965, the Commission issued a notice of proposed rule making (FCC 65-386) in the above-entitled matter inviting comments on a number of proposed changes in the FM Table of Assignments. The time for filing comments in the proceeding was specified as June 7, 1965, and for filing reply com-

ments June 18, 1965. On June 10, 1965, Oakland Radio Station Corp., petitioner in RM-731, filed a request for an extension of time in which to file reply comments from June 18, 1965, to July 18, 1965.

2. Petitioner states that in its request in RM-731 it proposed the assignment of Channel 243 to Oakland, Md., and that two other parties have offered counterproposals which would assign this channel to other communities by making additional changes in the Table. Petitioner submits that it will need the additional time to study these counterproposals with a view to seeking a solution which would obviate the conflicts.

3. We are of the view that the requested extension is warranted in this case. Accordingly, notice is hereby given that the time for filing reply comments in this proceeding, insofar as RM-731 only is concerned, is extended to July 16, 1965.

4. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 14, 1965.

Released: June 15, 1965.

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

[F.R. Doc. 65-6424; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 521]

[Docket No. 65-21]

TIME FOR FILING AND COMMENTING ON CERTAIN AGREEMENTS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 841(a)), that the Federal Maritime Commission is considering the promulgation of certain rules and regulations specifying (1) the time within which applications for extension of approved agreements due to terminate by their own terms, and modifications and cancellations of other approved agreements, must be filed, and (2) the publication of notice of filing of agreements and modifications under section 15, and applications under section 14(b), and the time allowed for the filing of comments, protests, or requests for hearing by interested persons in regard thereto. Title 46, CFR, would be amended by adding a new Part 521 as follows:

PART 521—TIME FOR FILING AND COMMENTING ON CERTAIN AGREEMENTS

Subpart A—Agreement Provisions

§ 521.1 Statement of policy.

Some approved agreements on file with the Commission contain a provision specifying the date for their termination. In some instances amendments have been filed with the Commission extending the termination date of such agreements only a short time before the agreement was due to expire. It is the responsibility of the Commission to disapprove, cancel or modify, by order, after notice and hearing, any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of the Shipping Act, 1916, and to approve all other agreements, modifications, or cancellations. In order to discharge these responsibilities, sufficient time must be allowed for the Commission to comprehensively analyze and consider every agreement, modification, and cancellation to determine whether or not they are lawful in the light of the above defined standards.

§ 521.2 Time within which modifications and notices of cancellations must be filed.

In effectuation of the policy set forth in § 521.1, all modifications and/or notices of cancellations of approved agreements between carriers, or between carriers and other persons subject to the Act, or between other persons subject to the Act, must be filed within the following specified times:

(a) Application for extension of an approved agreement due to terminate by its own terms, must be filed so that the Commission will receive the application not less than sixty (60) days prior to the date on which the approved agreement would otherwise terminate.

(b) Modification of an approved agreement, other than as designated in (a) hereof, must be filed not less than sixty (60) days prior to the date it is intended that action will begin, change, or cease as a result of the provision(s) of the modification.

(c) Notice of cancellation of an approved agreement must be filed not less than sixty (60) days prior to the effective date of cancellation unless otherwise provided for in the agreement.

§ 521.3 Failure to file.

Failure to file, at least sixty (60) days in advance of the termination date, an application for the extension of an approved agreement due to terminate by its own terms, will result in the approved agreement terminating prior to Commission action on the filed amendment, unless satisfactory justification for waiver of this provision is submitted.

Subpart B—Notice to Interested Persons

§ 521.10 Notice of filing of agreements and modifications under Section 15 of the Act, and applications under Section 14(b) of the Act.

(a) Notice to interested persons: Notice to interested persons of the filing of such agreements, modifications, and applications shall be given by publication in the FEDERAL REGISTER of the applicant's name and address, appropriate identification by Federal Maritime Commission number, and a statement setting forth in general terms the provisions of the agreements, modifications, and applications, together with a statement establishing a time limit within which comments, protests, and request for hearing must be filed by interested persons.

(b) Failure seasonably to file comments, protests, or requests for hearing will be construed as a waiver of opposition to approval of such agreements, modifications, and applications.

Interested parties may participate in this proposed rule making proceeding by submitting an original and 15 copies of written statements, data, views, or arguments pertaining thereto and any request for oral argument to the Secretary, Federal Maritime Commission, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-6438; Filed, June 17, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number New Mexico 0557261, for the withdrawal of lands described below, from all forms of appropriation including the general mining but not the mineral leasing laws. The applicant desires the land for recreation purposes.

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, State Director, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

La Cueva Recreation Site Extension

T. 11 N., R. 4 E.,
Sec. 2: Lots 7, 8, E½SE¼SE¼SE¼, N½SW¼, S½SW¼SW¼, W½W½SW¼SE¼SW¼;
Sec. 3: Lots 7, 8, E½SE¼;
Sec. 10: Lots 11, 12;
Sec. 11: Lots 12, 13, 14, 15, E½E½NE¼NE¼, W½W½NE¼NE¼, NW¼NW¼, SE¼NE¼.

Sandia Crest Tramway Recreation Site

T. 11 N., R. 4 E.,
Sec. 11: Lots 16, 17;
Sec. 12: S½ less HES 268 (unsurveyed);
Sec. 13: N½ within NF (unsurveyed).

The area described contains 874.26 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-6417; Filed, June 17, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-1]

IIT RESEARCH INSTITUTE

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. 7, set forth below, to Facility License No. R-3, as amended. The License authorizes IIT Research Institute to operate its homogeneous solution type nuclear reactor located in Chicago, Ill. The amendment authorizes an increase to 10 grams from 3.5 grams in the amount of contained uranium 235 which may be contained in neutron measuring instruments incorporated in the facility, as described in the application for license amendment dated May 14, 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 I, 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 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 May 14, 1965, and (2) the Safety Evaluation 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) 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 11th day of June 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-3, as amended, Amdt. 7]

License No. R-3, as amended, issued to IIT Research Institute, is hereby further amended in the following respect: Paragraph 2.b(2) is changed to read as follows:

"2.b.(2) 10 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility; and"

This amendment is effective as of the date of issuance.

Date of issuance: June 11, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-6434; Filed, June 17, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 16009]

S. A. EMPRESA DE VIACAO AEREA RIO GRANDENSE (VARIG)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 13, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., June 14, 1965.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 65-6423; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SO-5]

CORAL TELEVISION CORP.

Order Entering Final Determination of Hazard to Air Navigation

The Coral Television Corp., Miami, Fla., submitted a petition for public hearing (30 F.R. 7121) pursuant to § 77.37 of the Federal Aviation Regulations, in appeal of the Determination of Hazard to Air Navigation issued in OE Docket No. 65-SO-5 (30 F.R. 5396), for

the proposed construction of a television antenna structure near Key Biscayne, Fla.

The case file and petition have been fully examined. It has been determined that the grounds offered in the petition as the basis for obtaining a public hearing do not constitute adequate foundations for the grant of a hearing. Therefore, pursuant to § 77.37, Federal Aviation Regulations, the petition for a public hearing is hereby denied and the Determination of Hazard to Air Navigation issued in OE Docket No. 65-SO-5 is final as of this date.

Issued in Washington, D.C., on June 10, 1965.

N. E. Halaby,
Administrator.

[F.R. Doc. 65-6413; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15997; FCC 65M-773]

LAMPASAS BROADCASTING CORP. (KCYL)

Order Continuing Hearing

In re application of Lampasas Broadcasting Corp. (KCYL), Lampasas, Tex., Docket No. 15997, File No. BP-16383; for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on June 14, 1965, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 14th day of June 1965, that:

Exchange of exhibits is scheduled for August 16, 1965;

Exchange of rebuttal exhibits, if any, is scheduled for September 24, 1965;

Notification of witnesses is scheduled for September 30, 1965; and

Hearing presently scheduled for July 14, 1965, is continued to October 5, 1965.

Released: June 15, 1965.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

[F.R. Doc. 65-6425; Filed, June 17, 1965; 8:47 a.m.]

[Docket No. 14040; FCC 65M-770]

UNITED STATES OF AMERICA ET AL.

Order Scheduling Hearing

Regarding United States of America, by the Administrator of General Services, Washington, D.C., complainant v. American Telephone and Telegraph Co. et al., defendants, Docket No. 14040.

It is ordered, This 11th day of June 1965, that Arthur A. Gladstone shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on July 27, 1965; and that a prehearing conference shall be convened at 10 a.m., on June 30, 1965; *and, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 14, 1965.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

[F.R. Doc. 65-6426; Filed, June 17, 1965; 8:47 a.m.]

[Docket No. 14040; FCC 65-508]

UNITED STATES OF AMERICA ET AL.

Memorandum Opinion and Order Assigning Matter for Public Hearing

Regarding United States of America, by the Administrator of General Services, Washington, D.C., complainant v. American Telephone and Telegraph Co. et al.,[1] defendants, Docket No. 14040.

The Commission has before it:

(1) The above-entitled formal complaint filed April 5, 1961, by the Administrator of General Services (GSA) on behalf of the executive agencies of the United States requesting damages from the American Telephone and Telegraph Co. (A.T. & T.) and 30 other communications carriers for alleged unlawful charges for private line services furnished to complainant since September 1, 1956;

(2) Answers to the above-entitled complaint filed by A.T. & T. and the Bell System companies on May 11, 1961, by the Carolina Telephone and Telegraph Co. on May 11, 1961, and by the Lemhi Telephone Co., on May 12, 1961;

(3) A Motion To Dismiss filed May 11, 1961, by A.T. & T. and the defendant Bell System companies requesting the Commission to dismiss the above-entitled complaint; and

(4) An opposition to the Motion To Dismiss filed by complainant on June 1, 1961, and the reply to such opposition filed by A.T. & T. and the defendant Bell System companies on June 12, 1961.

2. Complainant alleges that section 203(c) of the Communications Act of 1934, as amended, has been violated by defendants in that (a) complainant makes extensive use of both single and multiple line circuits of defendants and since September 1, 1956, defendants have demanded and collected payment from complainant for multiple private line services and channels at the higher rates set forth in A.T. & T. Tariff FCC Nos. 135 (hereafter referred to as Tariff 135) and A.T. & T. Tariff FCC No. 208 (hereafter referred to as Tariff 208) for single private line telephone and telegraph channels and services rather than at the lower rates set forth in the A.T. & T. Tariff FCC 231 (hereafter referred to as Tariff 231), applicable to multiple private line services and channels; and in that (b) defendants have failed or refused, in other instances, to apply Tariff 231 without a prior, specific request therefor.

3. Complainant further alleges that section 202 of the Act has been violated by the defendants in that complainant has requested defendants to consider and treat complainant as a single customer in the application of Tariff 231 but the defendants have failed and refused to do so and such failure has subjected complainant to undue or unreasonable prejudice or disadvantage in charges for communication services so as to constitute unjust and unreasonable discrimination against complainant.

4. Complainant further alleges that section 201 of the Act has been violated by defendants in that (a) defendants' failure or refusal automatically to apply Tariff 231 to complainant's use of multiple channel services has resulted in payment of excessive, unreasonable and unlawful charges and in that (b) defendants' failure to recognize complainant as a single customer for the application of Tariff 231 has likewise resulted in payment of excessive, unreasonable, and unlawful charges.

5. In an appendix to the complaint, complainant details a partial listing of the damages resulting from the alleged violations of the Act in a total amount of approximately $84,938.50, and, because of the asserted impracticability of itemizing all of the damages, complainant requests the Commission to undertake and supervise an audit to ascertain and fix the exact amount of damages, with an unspecified amount of interest, to be awarded complainant.

6. A.T. & T. and the Bell System defendants (hereafter referred to as A.T. & T.) in their joint answer deny any violation of the Act and allege affirmatively that Tariff 231 is a separate and distinct service offering different from that offered in Tariffs 135 and 208; that A.T. & T. has at all times been ready and willing to accept orders from departments and agencies of the U.S. Government for service under Tariff 231 when properly tendered by those having authority to do so, and has at all times been ready and willing to treat the total of all Government agencies as a single customer if the Government would undertake the necessary administrative steps to order its services in such way; that Tariff 231 cannot be applied automatically in the absence of an order for service thereunder; that the various agencies of the United States cannot be treated as a single customer unless they order service as a single customer; that the complaint is barred by the limitations of section 415 (c) of the Communications Act of 1934, as amended (hereafter referred to as section 415(c)), since all of the specific allegations of overcharge appended to the complaint relate to matters over 1 year old; and that the general allegations of unspecified damages do not meet the requirements of the Commission's rules governing the details that should go into formal complaints.

7. Defendant Lemhi Telephone Co., specifically adopts the answer of A.T. & T. and The Carolina Telephone and Telegraph Co., in a separate answer, raises

[1] See App. A.

essentially the same points asserted by A.T. & T.

8. A.T. & T. moves to dismiss the complaint on the grounds that: (1) As a matter of law, Tariff 231 does not apply unless the customer orders service thereunder; (2) Tariff 231 is a separate and distinct service offering, not an alternative rate schedule, with significant differences between the offering under Tariff 231 and services under Tariffs 135 and 208; (3) there is no allegation of facts in the complaint showing that the defendants have refused to apply Tariff 231 when properly requested to do so; (4) the Commission has no jurisdiction of the complaint under the limitations imposed by section 415; and (5) the complaint seeks alleged overcharges without pleading them with the specificity required by the Commission's rules.

9. Complainant opposes the Motion To Dismiss on the grounds that: (a) There is no requirement in Tariff 231 that the customer must specifically request the application of Tariff 231 and defendants must therefore automatically collect charges named in tariffs applicable to the service involved; (b) there are no real differences between the single and multiple channel service offerings except the rates; (c) the Government is one person; (d) the limitation provisions of section 415(c) do not apply to the U.S. Government under the traditional immunity of the Government to statutes of limitation; and (e) it is not practicable for complainant to be more specific in its allegations of damages because of the number of channels and services and the resulting billings which are involved.

10. Upon careful review of the pleadings we are persuaded that, unless the above-entitled complaint is barred by the time limitations imposed by section 415(c) the complaint and answers present issues which, in part at least, as hereafter discussed, should be investigated and determined by means of a public hearing. Therefore, we shall first turn our attention to the contentions of the parties with respect to the applicability of section 415(c).

11. Section 415(c), in pertinent part, reads as follows:

> For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within 1 year from the time the cause of action accrues, and not after, * * * 49 U.S.C. 415(c), 1958 ed.

According to the legislative history of the Communications Act, section 415(c) was adapted from section 16(3) of the Interstate Commerce Act, as it then existed in 1934 and as it then applied to both communications and transportation, with section 415(c) shortening the period of limitation applicable to communications services from 2 years to 1 year. Senate Report No. 781, 73 Cong., 2d Session, page 11 (1934); House Report No. 850, 73 Cong., 2d Session, page 8 (1934).

12. The tabulation appended to the complaint lists the billings in dispute as occurring between September 1, 1956, and November 27, 1959; the latter date being more than a year prior to the April 5, 1961, filing date of the complaint. Thus, A.T. & T. argues that section 415(c) bars the complaint. In support of this argument, A.T. & T. relies upon cases that have held, with respect to nongovernmental parties, that section 16(3) of the Interstate Commerce Act, 49 U.S.C. 16(3), 1958 ed., hereafter referred to as section 16(3), defines the jurisdiction of the Interstate Commerce Commission, U.S. Ex. Rel. Louisville Cement Co. v. Interstate Commerce Comm'n., 246 U.S. 638 (1918); Midstate Horticultural Co. Inc. v. Pennsylvania R.R. Co., 320 U.S. 356 (1943) and A.T. & T., maintains that, since section 415(c) of the Communications Act of 1934 is patterned after section 16(3), those decisions are binding upon the Commission in respect to this claim. In opposition, GSA contends that the 1-year limitation imposed by section 415(c) is not applicable where the Government is the complainant, since statutes of limitations do not run against the Government unless Congress has clearly manifested its intent that they shall apply to the Government and that Congress has not so expressed that intent in the limitation provisions of section 415(c). GSA relies principally upon the decision in United States v. DeQueen and Eastern R.R. Co., 271 F. 2d 597 (8th Cir. 1959) and cases cited in that decision.

13. This is a question of first impression with this Commission and assistance and guidance in resolving the question must be drawn from the legislative history of section 16(3) from which section 415(c) was adapted, and from the construction that has been placed upon section 16(3), and similar statutes of limitations, by the Interstate Commerce Commission and the courts.

14. The Interstate Commerce Commission has held that section 16(3), as originally enacted and as it existed when section 415 of our Act was adopted, was applicable to complaints for overcharges filed by the United States against railroad carriers. United States v. Director General, 80 ICC 143 (1923), United States v. Southern Ry. Co., 286 ICC 203 (1952). However, the rationale of these rulings by the Interstate Commerce Commission has not been accepted by the courts that have been called upon to construe the same or analogous statutory provisions.

15. In the DeQueen Case, supra, the U.S. Court of Appeals for the Eighth Circuit dealt with the application of section 16(3) to a claim by the Commodity Credit Corporation against a railroad for overcharges and held that traditional governmental immunity from statutes of limitation and laches applied to claims for overcharges by the Government unless Congress clearly manifested an intention to make the statutes applicable to Government suits, and, since there was no such expressed policy in section 16(3), it was held by the court to be inapplicable to the Government's claim for overcharges. Following the DeQueen Case, the U.S. District Court for the Southern District of New York, in United States v. Yale Transport Corp., 184 F. Supp. 42 (S.D.N.Y. 1960), adopted the reasoning of the DeQueen Case and held that section 204(a) of the Interstate Commerce Act, the companion motor carrier statute of limitation, was inapplicable to a Government suit for overcharges against a motor carrier. Similarly, the U.S. Court of Appeals for the 10th Circuit, in Stewart v. United States, 327 F. 2d 201 (10th Cir. 1964), considered precisely the same question, and stated that "while there is certainly room for doubt * * * we will adopt the reasoning of DeQueen and Yale Transport, as consistent with traditional notions of governmental immunity, in the absence of an expressed congressional intent to subject the Government to such limitations" and thereupon held that the same motor carrier statute of limitations could not be interposed as a jurisdictional bar to a Government claim for overcharges.

16. All of the decisions cited in the foregoing paragraphs pertained to cases arising prior to 1958 when Congress made significant amendments in section 16(3). Thus, in 1958 Congress amended section 16(3) by adding the following new paragraph:

> (i) The provisions of this paragraph (3) shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before the Commission or any court by or against carriers subject to this chapter: *Provided, however*, That with respect to such transportation of property or passengers for or on behalf of the United States, the periods of limitation herein provided shall be extended to include 3 years from the date of (A) payment of charges for the transportation involved, or (B) subsequent refund for overpayment of such charges, or (C) deduction made under section 66 of this title, whichever is later. 72 Stat. 859, 860, 49 U.S.C. § 16(3)(c)(i), 1958 ed.

Similar amendments were made in all of the other companion statutes of limitations in the Interstate Commerce Act, 49 U.S.C. 394a, 908, 1006a, 1958 ed. Therefore, while section 16(3) and its associated statutes have been amended since 1934 specifically to subject the government expressly to the application of these statutes of limitations, no such amendment has been made by Congress in section 415 of the Communications Act.

17. Before discussing further the 1958 amendments, the problem before us can be viewed in better perspective by considering the other side of the statutory coin as it existed prior to the 1958 amendments. Section 16(3) applied both to suits by shippers against carriers for overcharges and to suits by carriers against shippers for undercharges. Prior to 1958, section 16(3) of the Interstate Commerce Act was uniformly construed by the U.S. Court of Claims as being inapplicable to suits brought by railroad carriers against the Government for undercharges in the Court of Claims. Southern Pacific Co. v. United States, 62 Ct. Cl. 391 (1926); Seaboard Air Line R.R. Co. v. United States, 113 Ct. Cl. 437, 83 F. Supp. 1012 (1949); Union Pacific RR. Co. v. United States, 114 Ct. Cl. 714, 86 F. Supp. 907 (1949). See also: United States v. Western Pacific Railroad Co., 352 U.S. 59; 1 L. Ed. 2d. 126 (1956). The Court of Claims consistently ruled that section 16(3) of the ICC Act, as it was worded prior to

1958 did not apply to suits against the Government in the Court of Claims notwithstanding that section 16(3) stated expressly, as does section 415 of our Act, that all actions at law by carriers for recovery of undercharges should be brought within the prescribed period. Instead the Court of Claims has held that the 6-year statute of limitations, applicable generally to suits filed in the Court of Claims, should apply in all suits by carriers against the Government for undercharges. 28 U.S.C. 2501, 1958 ed.

18. As a consequence of the foregoing Court decisions, Congress, as heretofore stated, amended section 16(3) and its companion provisions in 1958 so as to make them apply specificially and expressly to suits by the Government against carriers for overcharges. At the same time Congress balanced the equities and changed the other side of the coin so as to impose upon the carriers the same limitations in their suits against the Government as would thereafter apply to suits by the Government. The legislative history of the amendments indicates clearly that Congress recognized that all these interrelated statutes of limitations, as they were prior to 1958, had to be amended if the limitations of section 16(3) were to be made applicable to the Government. The Senate Committee report includes the following statement:

> In the interest of fairnesa to all concerned, the Committee believes that a 2-year statute of limitations, now applicable to commercial shippers, should be applied to shipments and transportation of persons by the Government. Likewise, it believes that carriers subject to the Act should be clearly bound by the same 2-year period of limitations rather than the 6-year period now available to the carriers for suits against the Government. Senate Report No. 334, 85th Congress, Second Session, U.S. Code, Congressional and Administrative News, 1958, page 3925.

19. With the foregoing precedents and legislative history before us, it seems clear that we are constrained to adopt the view that section 415(c), which has not been amended to apply specifically to the Government, does not apply to the complaint herein. Moreover, the U.S. Supreme Court has laid down the principles that statutes which in general terms divest preexisting rights do not apply to the sovereign unless specifically named, United States v. United Mine Workers, 330 U.S. 258 (1947), and that any statute or rule that limits the right of the sovereign must be strictly construed in favor of the sovereign. Dupont de Nemours and Co. v. Davis, 264 U.S. 456 (1924).

20. We find and conclude, therefore, on the basis of all of the foregoing that section 415(c) is inapplicable to the above-entitled complaint.

21. With respect to the remaining grounds for dismissal set forth in the motion there is one other that should be disposed of at this time. A.T. & T. takes the position that there are significant differences between the offerings under Tariff 231 and the offerings under Tariffs 135 and 208 and complainant alleges that they are like service. We see no need to try this issue in the hearing that we are ordering in the light of the Commission's decision in the Private Line Rate Case that the services in Tariff FCC 231 are like those offered in Tariffs FCC 135 and 208. (34 FCC 217, 319).

22. Finally, we shall dispose at this time of one further point raised by the pleadings. Complainant asks the Commission to supervise an audit to determine the amount of damages over and above those specifically pleaded in the complaint. We believe that this request should be denied and that complainant should file whatever further or additional complaints it may wish to file setting out, in the detail required by our rules, such other and additional damages which it may wish to claim so that defendants may have an adequate opportunity to answer any such further or additional claims and be heard thereon.

ORDER

Accordingly, it is ordered, That pursuant to sections 206 through 209 of the Communications Act of 1934, a public hearing shall be held at a time and place hereinafter designated on the issues presented by the above-entitled Complaint and Answers thereto, except for those issues specifically excluded by the following ordering paragraphs hereof;

It is further ordered, That defendants' plea that section 415(c) of the Communications Act of 1934 bars the above-entitled complaint is hereby denied;

It is further ordered, That defendants' plea that the offerings and services under A.T. & T. Tariff FCC 231 are significantly different from the offerings and services under A.T. & T. Tariffs FCC 135 and 208 is hereby denied;

It is further ordered, That the request of complainant for the Commission to supervise an audit to determine the alleged damages not specifically pleaded in the complaint shall be and the same is hereby denied;

It is further ordered, That defendants' Motion To Dismiss is hereby denied but without prejudice to reasserting those contentions therein that are not specifically disposed of in the foregoing ordering paragraphs; and

It is further ordered, That a copy of this order shall be served upon the complainant and all defendants herein.

Adopted: June 9, 1965.

Released: June 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

DEFENDANTS (CONCURRING CARRIERS)

Bell Telephone Co. of Nevada; San Francisco, Calif.
Bell Telephone Co. of Pennsylvania, The; Philadelphia, Pa.
Camden Rural Telephone Co.; Camden, Mich.
Carolina Telephone and Telegraph Co.; Tarboro, N.C.
Chesapeake and Potomac Telephone Co., The; Washington, D.C.
Chesapeake and Potomac Telephone Co. of Maryland, The; Baltimore, Md.
Chesapeake and Potomac Telephone Co. of Virginia, The; Richmond, Va.
Chesapeake and Potomac Telephone Co. of West Virginia, The; Charleston, W. Va.
Cincinnati and Suburban Bell Telephone Co., The; Cincinnati, Ohio.
Citizens Telephone Co.; Covington, Ky.
Diamond State Telephone Co., The; Philadelphia, Pa.
Harrison Telephone Co., The; Harrison, Ohio
Illinois Bell Telephone Co.; Chicago, Ill.
Indiana Bell Telephone Co., Inc.; Indianapolis, Ind.
Lembi Telephone Co.; St. Paul, Minn.
Michigan Bell Telephone Co.; Detroit, Mich.
Mountain States Telephone and Telegraph Co., The; Denver, Colo.
New England Telephone and Telegraph Co.; Boston, Mass.
New Jersey Bell Telephone Co.; Newark, N.J.
New York Telephone Co.; New York, N.Y.
Norfolk and Carolina Telephone and Telegraph Co., The; Elizabeth City, N.C.
Norfolk and Carolina Telephone and Telegraph Co. of Virginia, The; Elizabeth City, N.C.
Northwestern Bell Telephone Co.; Omaha, Nebr.
Ohio Bell Telephone Co., The; Cleveland, Ohio.
Pacific Telephone and Telegraph Co., The; San Francisco, Calif.
Rio Virgin Telephone Co., Inc.; Mesquite, Nev.
Southern Bell Telephone and Telegraph Co.; Atlanta, Ga.
Southern New England Telephone Co, The; New Haven, Conn.
Southwestern Bell Telephone Co.; St. Louis, Mo.
Wisconsin Telephone Co.; Milwaukee, Wis.

[F.R. Doc. 65-6427; Filed, June 17, 1965; 8:47 a.m.]

[2] Commissioner Bartley absent; Commissioner Loevinger abstaining from voting.

FEDERAL MARITIME COMMISSION

[Docket No. 65-20]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice of Investigation and Hearing Regarding Agreement

The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W.I.N.A.C.), operates under approved Agreement 2846-13. The Commission has information indicating that the Conference has failed to admit promptly to Conference membership Admiralty Lines, Ltd., a Liberian corporation which is represented by Interseas Shipping Corp. in the United States, in accordance with the provisions of Article 25 of said Agreement 2846-13.

Admiralty Lines, Ltd., operates time-chartered vessels of Norwegian registry in the Mediterranean trade, and has filed a tariff with the Federal Maritime Commission pursuant to section 18(b)(1) of the Shipping Act, 1916, naming rates and charges in this and other trades in which it offers and advertises service.

Admiralty Lines, Ltd., has applied for membership in W.I.N.A.C. and has not been admitted thereto. Since it is a non-conference line offering direct service from Italian ports to United States North Atlantic ports, it has been unable to obtain profitable cargoes due to the maintenance by the Conference of a dual rate system. This applicant appears to have the qualifications necessary to en-

gage in common carrier operations in this trade and to have met the requirements of Article 25 of the Conference agreement with respect to admission to Conference membership.

Whereas, section 15 of the Shipping Act, 1916, provides, in effect, that no agreement shall continue to be approved if it fails to provide reasonable and equal terms and conditions for admission to conference membership, and

Whereas, the Commission's General Order 9 (46 CFR 523.1) et seq., sets forth rules to effectuate and implement the foregoing provisions of section 15 of the Shipping Act, 1916, and provides, in section 523.2(c), that:

No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

Now therefore, it is ordered, That, pursuant to sections 15 and 22 of the Act, an investigation be and is hereby instituted to determine whether continued approval should be given to Agreement No. 2846–13.

It is further ordered, That the member lines of Agreement 2846–13, as listed in Appendix A below, are hereby made respondents in this proceeding; and

It is further ordered, That the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That a copy of this order be served upon the respondents and published in the FEDERAL REGISTER; and

It is further ordered, That persons other than respondents who desire to become parties to this proceeding and to participate herein shall promptly notify the Secretary, Federal Maritime Commission, Washington, D.C., 20573, and shall file with the Secretary, Federal Maritime Commission, a petition for leave to intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before June 30, 1965, with copy to each of the respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By order of the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
American President Lines, Ltd., 601 California Street, San Francisco 8, Calif.
Compagnie Fabre Societe Generale de Transports Maritimes, Commander Shipping Co., General Agents, 17 State Street, New York, N.Y., 10004.
Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
Dampskibselskabet Torm, Peralta Shipping Corp., General Agents, 85 Broad Street, New York, N.Y., 10004.
Giacomo Costa Fu Andrea, Overseas Consolidated Co., Ltd., General Agents, 26 Broadway, New York, N.Y., 10004.
Hansa Line-Deutsche Dampfschifffahrte, Gesellschaft "Hansa," F. W. Hartmann & Co., Inc., General Agents, 120 Wall Street, New York, N.Y., 10005.
"Italia" Societa per Azioni de Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y., 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y., 10006.
Moller-Maersk Line, A.P., Moller Steamship Co., Inc., General Agents, 67 Broad Street, New York, N.Y., 10004.
National Hellenic-American Line, Cosmopolitan Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.
Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y., 10004.
Van Nievelt Goudriaan & Co.'s Stoomvaart Maatschappij N.V. (Constellation Line), Constellation Navigation Inc., General Agents, 85 Broad Street, New York, N.Y., 10004.
Villain and Fassio E., Compagnia Internazional, Di Genova (Fassio Line), Norton, Lilly, and Co., Inc., General Agents, 26 Beaver Street, New York, N.Y., 10004.
Jugoslavenska Linijska Plovidba (Jugolinija), Cross Ocean Shipping Co., Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.
Zim Israel Navigation Co., Ltd., American-Israeli Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.

[F.R. Doc. 65–6439; Filed, June 17, 1965; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–922]

CHATHAM CORP.

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

JUNE 14, 1965.

Notice is hereby given that an application has been filed by Chatham Corp., formerly Townsend Corp. of America ("applicant"), 38 Chatham Road, Short Hills, N.J., a Delaware corporation and a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), seeking an order pursuant to section 8(f) of the Act declaring that the applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Effective December 31, 1964, Townsend Management Co. ("TMC") and Resort Airlines, Inc., were merged into the applicant, which became the surviving corporation under its present name. In proceedings entitled Securities & Exchange Commission v. Townsend Corp. of America et al. (D.N.J., Civil Action No. 336–61), it was ordered, among other things, that the applicant divest itself of various investment securities, and submit to vote of its shareholders a proposal to authorize a change in the nature of the applicant's business so as to cease to be an investment company and to file the instant application. The application states that on April 8, 1965, the applicant's shareholders authorized such actions.

The applicant states that the nature of its business has so changed that it is no longer an investment company as defined in section 3(a) of the Act, and that it does not propose to engage in activities which would constitute it an investment company within the provisions of that section. With particular reference to section 3(a)(3) of the Act, the applicant represents that the value of its investment securities is substantially less than 40 per centum of the value of the relevant assets described in such section. The applicant states that its investment securities consist of (i) 40,000 shares of the Class B common stock of Federated Investors, Inc., which it has been ordered to divest, and which it intends actively to seek to do, (ii) 5,000 shares of the common stock of Townsend Growth Fund, Inc., which are expected to be liquidated in due course in connection with pending proceedings with respect to that company under chapter X of the Bankruptcy Act, and (iii) a nominal amount of interests in producing oil and gas leases. The bulk of the applicant's other assets consists of cash, U.S. Treasury Bills, and securities of majority or wholly owned subsidiary companies in the broadcasting, engraving-printing, and recreation resort businesses.

Notice is further given that any interested person may, not later than July 2, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65–6414; Filed, June 17, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 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. 39838—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 343), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39839—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 344), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39840—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 345), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, and middlewest territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39841—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 346), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—35th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39842—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 347), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—35th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39843—*Liquefied petroleum gas from points in Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-8741), for interested rail carriers. Rates on liquefied petroleum gas (including butane or propane), in tank carloads, from Hocker, Laverne, and Mocane, Okla., on the M-K-T Railroad, and Beaver, Hough, and Straight, Okla., on the BM&E, to points in Illinois Freight Association, southern, southwestern, and western trunkline territories.

Grounds for relief—Emergency routing of traffic.

FSA No. 39844—*Joint motor-rail rates—Central and Southern.* Filed by The Central and Southern Motor Freight Tariff Association, Inc., agent (No. 93), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, from and to points in Illinois and Missouri, on the one hand, and points in southern territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 58 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-I.C.C. 286.

FSA No. 39845—*Asphalt to points in North Dakota.* Filed by Western Trunk Line Committee, agent (No. A-2409), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum, other than paint, stain or varnish, also road oil and wax tailings, in tank carloads, from Casper, Cody, Sinclair, and Thermopolis, Wyo., to specified

Grounds for relief—Market competition.

Tariff—Supplement 8 to Western Trunk Line Committee, agent, tariff I.C.C. A-4572.

FSA No. 39846—*Chlorine to Doe Run, Ky.* Filed by O. W. South, Jr., agent (No. A4706), for interested rail carriers. Rates on liquefied chlorine, in tank carloads, subject to minimum shipment of 275 tons of 2,000 pounds, from Saltville, Va., to Doe Run, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S-517.

FSA No. 39847—*Wheat flour to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4705), for interested rail carriers. Rates on wheat flour, in carloads, from Decatur, Guntersville, and Sheffield, Ala., Chattanooga, and Knoxville, Tenn. (applicable on shipments from beyond by rail), to points in southern territory.

Grounds for relief—Ex-barge rate relationship.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff I.C.C. S-478.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6420; Filed, June 17, 1965; 8:47 a.m.]

[Second Rev. S.O. 562; Pfahler's ICC Order 170, Amdt. 3]

GEORGIA & FLORIDA RAILWAY

Diversion and Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 170 (Georgia & Florida Railway) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 170 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 14, 1965.

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

[F.R. Doc. 65-6421; Filed, June 17, 1965; 8:47 a.m.]

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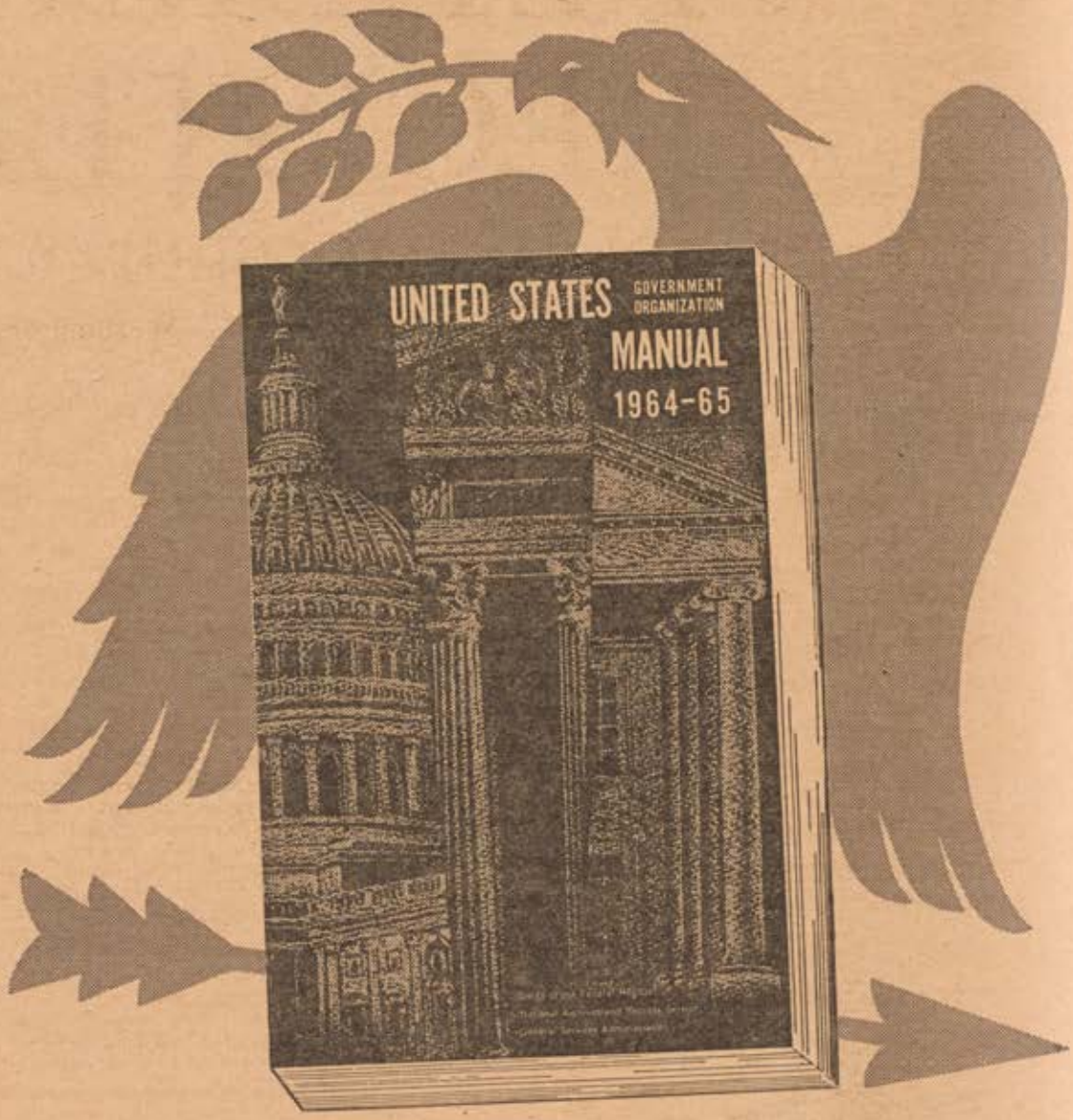

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