

FEDERAL REGISTER

VOLUME 30 • NUMBER 189

Thursday, September 30, 1965 • Washington, D.C.

Pages 12447-12523

Agencies in this issue—

Agricultural Research Service
Agriculture Department
Civil Aeronautics Board
Civil Rights Commission
Consumer and Marketing Service
Delaware River Basin Commission
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Housing and Home Finance Agency
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Land Management Bureau
Narcotics Bureau
National Park Service
Post Office Department
Securities and Exchange Commission
Small Business Administration
Vocational Rehabilitation
Administration

Detailed list of Contents appears inside.



Announcing a New Statutory Citations Guide

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

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using

them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

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

FEDERAL REGISTER

Area Code 202

Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

- Brucellosis; change in list of public stockyards..... 12463

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service.

Notices

- Designation of areas for emergency loans:
Louisiana..... 12520
North Carolina..... 12521

CIVIL AERONAUTICS BOARD

Notices

- Hearings, etc.:
Air-India..... 12520
American Milwaukee deletion..... 12520
Trans-Texas Airways, Inc..... 12520
United Air Lines, Inc..... 12520

CIVIL RIGHTS COMMISSION

Rules and Regulations

- Field offices, and confidential information..... 12467

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Dates, domestic, produced or packed in designated area of California:
Containers..... 12454
Grades..... 12454
Miscellaneous amendments..... 12452
Milk in certain marketing areas; orders amending orders:
Northwestern Indiana..... 12463
Tri-State..... 12455
Potatoes, Irish, grown in California and Oregon; shipments limitation..... 12451
Prunes grown in Idaho and Oregon; expenses and assessment rate..... 12451
Proposed Rule Making
Celery grown in Florida; recommended decision..... 12474
Cranberries; expenses and assessment rate, 1965-66..... 12485
Milk in certain marketing areas:
Greater Youngstown-Warren; recommended decision..... 12486
St. Joseph, Mo., and Greater Kansas City; hearing..... 12487

DELAWARE RIVER BASIN COMMISSION

Notices

- Comprehensive Plan; meeting regarding proposed additions..... 12500

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives:

- Boeing Models 707 and 720 Series airplanes..... 12465
Vickers Viscount Models 744, 745D, and 810 Series airplanes..... 12463
Oxygen masks; use by flight crewmembers; air carriers and commercial operators of large aircraft..... 12466
Transition area; alteration; correction..... 12466

FEDERAL MARITIME COMMISSION

Notices

- Member lines of Association of West Coast Steamship Companies; agreement filed for approval..... 12500

FEDERAL POWER COMMISSION

Rules and Regulations

- Contract and rate schedules for direct industrial sales; correction..... 12451

Notices

- Hearings, etc.:
Cord, E. L..... 12501
CRA, Inc., et al..... 12501
Pacific Northwest Pipeline Corp. et al..... 12501
Socony Mobil Oil Co., Inc..... 12501
United Gas Pipe Line Co..... 12501

FISH AND WILDLIFE SERVICE

Rules and Regulations

- Hunting in wildlife refuge areas:
Big game:
North Dakota; Arrowwood et al..... 12472
Washington:
Columbia..... 12473
Willapa..... 12473
Migratory game birds:
California:
Colusa..... 12468
Delevan..... 12469
Merced..... 12469
Sacramento..... 12469
Sutter..... 12469
Delaware; Bombay Hook..... 12470
Idaho; Minidoka..... 12470
Oregon; Hart Mountain..... 12470
Vermont; Missisquoi..... 12471
Washington; McNary..... 12471
Upland game; Oregon:
Cold Springs..... 12471
Hart Mountain..... 12471
Willamette..... 12472

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Vocational Rehabilitation Administration.

HOUSING AND HOME FINANCE AGENCY

Notices

- Urban Renewal Commissioner and regional administrators; delegation of authority..... 12502

INDIAN AFFAIRS BUREAU

Notices

- Superintendents, Minneapolis Area Office; redelegation of authority regarding forestry matters..... 12499

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

- Commissioner of Indian Affairs; authority delegation..... 12499
Office for Equal Opportunity; establishment..... 12500

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

- Carriers involved in unification; computation of gross operating revenues..... 12467

Notices

- Fourth section applications for relief..... 12518
Missouri Pacific Railroad Co.; re-routing and diversion of traffic..... 12520
Motor carrier:
Broker, water carrier and freight forwarder applications..... 12502
Temporary authority applications..... 12519
Transfer proceedings..... 12519

LAND MANAGEMENT BUREAU

Notices

- Arizona; opening of public lands..... 12499

NARCOTICS BUREAU

Rules and Regulations

- Manufacturing narcotic drugs; addition of fentanyl and its salts to basic classes..... 12466

NATIONAL PARK SERVICE

Notices

- Coulee Dam National Recreation Area; Administrative Assistant et al.; authority delegation..... 12499

(Continued on next page)

POST OFFICE DEPARTMENT**Rules and Regulations**

Highway transportation; determination of service; correction... 12467

Notices

Assistant Postmaster General, Bureau of Facilities; delegation of authority... 12499

Uniform quality control; uniform industry meeting... 12499

SECURITIES AND EXCHANGE COMMISSION**Notices***Hearings, etc.:*

Storer Broadcasting Co. 12502

West Penn Power Co. and Allegheny Power System, Inc. 12502

SMALL BUSINESS**ADMINISTRATION****Notices**

Assistant Deputy Administrator for Financial Assistance; delegation of authority... 12502

TREASURY DEPARTMENT

See Narcotics Bureau.

VOCATIONAL REHABILITATION ADMINISTRATION**Rules and Regulations**

Vocational rehabilitation program; allocations for establishment of certain workshops and rehabilitation facilities... 12467

List of CFR Parts Affected**(Codification Guide)**

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

925 12451
 947 12451
 987 (3 documents) 12452, 12454
 1005 12455
 1031 12463

PROPOSED RULES:

Ch. IX 12474
 929 12485
 1048 12486
 1061 12487
 1064 12487

9 CFR

78 12463

14 CFR

39 (2 documents) 12463, 12465
 71 12466
 121 12466

18 CFR

155 12451

21 CFR

307 12466

39 CFR

94 12467

45 CFR

401 12467
 701 12467
 704 12467

49 CFR

7 12467
 179 12467
 180 12467

50 CFR

32 (16 documents) 12468-12473

Rules and Regulations

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-243]

PART 155—CONTRACTS AND RATE SCHEDULES FOR DIRECT INDUSTRIAL SALES

Correction

SEPTEMBER 10, 1965.

In Order No. 300, issued June 24, 1965, and published in the FEDERAL REGISTER of June 30, 1965 (F.R. Doc. 65-6823; 30 F.R. 8331-8333), an inadvertent error in the first line of paragraph (b) under §155.1 is corrected by changing "September 1" to read "September 1, 1965".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-10372; Filed, Sept. 29, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

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

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

On September 9, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 11530) regarding proposed expenses and the related rate of assessment for the period beginning July 1, 1965, and ending June 30, 1966, pursuant to the marketing agreement and Order No. 927 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the

Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee during the period July 1, 1965, through June 30, 1966, will amount to \$5,690.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at \$0.01 per one-half bushel or equivalent quantity of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of fresh prunes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fresh prunes from the beginning of such period; and (3) such period began on July 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable fresh prunes beginning with such date.

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

Dated: September 27, 1965.

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

[F.R. Doc. 65-10395; Filed, Sept. 29, 1965; 8:45 a.m.]

[947.323 Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended, (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1965 crop potatoes

grown in the production area are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. Amend the introductory paragraph and paragraphs (a), (b), (c), and (d) of § 947.323 (30 F.R. 8961, 9214) to read as follows:

§ 947.323 Limitation of shipments.

During the period October 2, 1965, through June 30, 1966, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements.* (1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* (i) Round varieties—1½ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity requirements.* (1) All varieties. "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section, shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.
(2) Grading and storing, planting, or livestock feed: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such

RULES AND REGULATIONS

receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, potato chips, or prepeeled products.

- (3) Charity.
- (4) Starch.
- (5) Canning or freezing.
- (6) Dehydration.
- (7) Export.
- (8) Potato chipping.
- (9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to subparagraphs (5) through (9) of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2) (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph (2).

(v) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

Dated September 27, 1965, to become effective October 2, 1965.

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

[F.R. Doc. 65-10425; Filed, Sept. 29, 1965;
8:48 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Miscellaneous Amendments

Notice was published in the August 26, 1965, issue of the FEDERAL REGISTER (30 F.R. 11045) regarding a proposal, based upon the unanimous recommendation of the Date Administrative Committee, to amend certain provisions of the Subpart—Administrative Rules and Regulations with respect to definitions, inspection, volume regulation, dispositions, and reporting requirements. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is found that updating the administrative rules and regulations and providing more specific implementation of the amended marketing agreement and order, as prescribed in the amendment hereinafter set forth, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) is hereby amended as follows:

§ 987.102 [Amended]

1. Paragraph (c) of § 987.102 is revised to read: "(c) the applicable symbol(s) approved by the Committee with variations to accommodate packinghouse practices, to indicate whether the lot contains dates which are designated as 'pack for handling,' 'for further processing,' 'marketable for products,' 'export,' 'export Mexico,' 'substandard,' or 'field-run'; and".

2. Paragraph (b) of § 987.122 is revised to read:

§ 987.122 Realignment of representation on the Date Administrative Committee.

(b) As to the group specified in § 987.22(a)(2), six members from co-

operative marketing associations of whom at least two, and not more than three, shall be employees and serve as handler members of the Committee, and the remainder shall be from among producer members of such associations.

§ 987.141 [Amended]

3. Subparagraph (5)(i) of § 987.141 (b) is revised to read: "(5) If the dates (i) are other than field-run dates, a certification as to the grade of the dates and whether the dates meet the applicable grade and size requirements and regulations effective pursuant to this part for free dates packed for handling, dates for further processing, marketable dates for products, dates for export, dates for export to Mexico, or substandard dates, whichever is applicable or".

§ 987.145 [Amended]

4. Paragraph (a) of § 987.145 is revised to read:

(a) *Dates certified for further processing.* Dates certified for further processing which are further processed and packed within the area of production as dates packed for handling, and on which the assessment and withholding obligations applicable to dates for further processing were met pursuant to § 987.45(c), shall be subject to the grade and inspection requirements for dates packed for handling and to assessment and withholding obligations on any poundage in excess of that shown on the inspection certificate issued at the time such dates were certified for further processing. Dates certified for further processing and on which assessment and withholding obligations have been met may be shipped for packing outside the area of production but only to, and for packing in, the 48 contiguous States of the United States and the District of Columbia. When so shipped and packed, such dates shall be subject to the grade and inspection requirements for dates packed for handling before being further placed in the channels of commerce, but need not meet further assessment or withholding obligation due to excess poundage. Dates certified for further processing shall not otherwise be shipped outside the area of production, except as provided pursuant to § 987.52 and for special sales approved by the Committee under conditions and subject to the requirements prescribed in § 987.155(a)(2) for special export sales.

5. The caption of subparagraph (1) of § 987.145(b) is revised to read: "Dates packed for handling."

6. Subparagraph (3) of § 987.145(c) is designated as subparagraph (4) and present subparagraphs (1) and (2) are revised and recodified as subparagraphs (1), (2), and (3) to read:

(c) *Dates withheld or set aside—(1) Lot and category identification.* Each lot of restricted dates and other dates withheld from handling or set aside pursuant to, or for disposition in accordance

with, § 987.45(a), § 987.45(f), § 987.55, or § 987.56 shall, upon inspection and certification as meeting the applicable grade and size requirements, be marked or otherwise identified by the handler under the supervision of the inspection service to show: (i) The date of inspection; (ii) the number of containers in the lot; and (iii) the lot number. Also, each lot of such dates shall, under the supervision of the inspection service, be marked "restricted" and identified further as: (a) "Export"; (b) "marketable for products"; or (c) "field-run." Graded dates set aside under § 987.45(e) shall be marked or otherwise identified by the handler as "graded dates set aside." Each such category (i.e., "export," "marketable for products," "field-run," and "graded dates set aside") shall be held separate and apart from other dates and from each other, and the identity of each preserved.

(2) *Container identification*—(i) *Exports to Mexico*. The handler shall mark all shipping containers (not including subcontainers) of dates to be exported to Mexico pursuant to § 987.55 with the appropriate lot number and the words "export Mexico." Such markings shall be legible and the words "export Mexico" shall be not less than three-fourths ($\frac{3}{4}$) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth ($\frac{1}{8}$) inch in height on all shipping containers of five pounds net weight or less. Prior to such marking the handler shall remove, delete, or obliterate from each such container any former markings in conflict with those required by this subdivision. Upon the dates to be exported to Mexico being inspected and certified as meeting the applicable grade and size requirements specified in, or prescribed pursuant to, §§ 987.39 and 987.40, the shipping containers shall be marked or otherwise identified by, or under the supervision of, the inspection service with the date of inspection, the insignia or name of the inspection service, and the word "export."

(ii) *Exports to approved countries other than Mexico*. The shipping containers of dates to be exported pursuant to § 987.55 to approved countries other than Mexico shall be identified as prescribed in paragraph (b) (1) of this section for dates packed for handling except the word "export" instead of the letters "DAC" shall appear on the inspection mark or other identification. However, with respect to special sales approved by the Committee as provided in § 987.155(a) (2), the containers shall be marked as prescribed by the Committee.

(iii) *Marketable for products*. The handler shall mark the lot number, which shall be legible and not less than five-sixteenths ($\frac{5}{16}$) inch in height, on each container of the dates which are "marketable for products" unless inspection is concurrent with conversion into approved products (prescribed in, or pursuant to, § 987.55 or § 987.56) under the supervision of the inspection service or the Committee: *Provided*, That the Committee may exempt a handler from the requirement of marking

the lot number on each container of dates in a lot if the handler establishes, to the satisfaction of the Committee, and utilizes a procedure for maintaining the identity of such lot. Prior to marking the lot number on any such container, the handler shall remove or delete from such container all former identifying marks.

(3) Dates held as "marketable for products," "export," or "export Mexico" shall be eligible as restricted dates. The Committee shall, at such times as a handler who so holds such dates incurs an obligation to withhold from handling a quantity of marketable dates, credit him, subject to the provisions of subparagraph (4) (ii) of this paragraph, with satisfaction of obligation to the extent of the quantity of such dates identified as "marketable for products," "export," or "export Mexico" but not exceeding such obligation. The quantity of dates involved in such crediting and satisfaction shall thereupon become restricted dates and be subject to all of the provisions of this part with respect to restricted dates.

7. Subparagraph (1) of § 987.145(f) is revised to read:

(f) *Withholding and disposition of field-run dates*—(1) *General*. Any handler may, as provided in § 987.45(f), satisfy all or any part of his obligation to withhold restricted dates by setting aside or disposing of lots of eligible field-run dates in the prescribed cull outlets in accordance with the provisions of this paragraph, or by disposing of field-run dates (substandard dates) in such export outlets as may be authorized, pursuant to § 987.56. The direct disposal as well as the disposal of lots set aside shall occur prior to July 31 of the crop year, as provided in said § 987.45(f).

8. Subparagraph (2) of § 987.145(g) is revised to read: "(2) the amount of excess disposition credited shall not exceed ten percent of the handler's restricted obligation for the then current crop year."

§ 987.151 [Amended]

9. Paragraph (d) of § 987.151 is revised to read: "(d) whether the dates are dates packed for handling, dates for further processing, field-run dates, or graded dates; and"

10. In § 987.155(a), subparagraph (2) is designated as (3), subparagraph (3) as (4), and subparagraph (1) is revised and recodified to read:

§ 987.155 Diversion or disposition of restricted and other marketable dates.

(a) *By export*. (1) Pursuant to § 987.55, all countries other than Canada are approved as countries to which restricted dates may be exported. However, restricted dates exported to approved countries other than Mexico shall, except as otherwise prescribed in subparagraph (2) of this paragraph, meet the following requirements: (i) Be inspected and certified prior to export as meeting all of the applicable grade and size requirements in effect pursuant to §§ 987.39 and 987.40 for dates packed for handling; (ii) be packed prior to export

in individual cartons, not including bags, each having a net weight content of eight, ten, twelve, or twenty-four ounces, or in bulk containers having a net weight content of 10 pounds or more; (iii) move directly from the handler to the country of destination; and (iv) have the shipping containers thereof identified as prescribed in § 987.145(c) (2) (ii). Restricted dates to be exported to Mexico shall be inspected and certified prior to export as meeting the applicable minimum grade and size requirements for restricted dates. Marketable dates eligible as restricted dates may be exported to an approved country other than Mexico if they meet the requirements of subdivisions (i) through (iv) of this subparagraph or to Mexico if they meet the minimum grade and size requirements for restricted dates.

(2) Restricted and other marketable dates of a particular variety (i) certified as meeting the applicable grade and size requirements for free dates for further processing or (ii) certified as meeting the minimum grade and size requirements of this part for restricted dates (whether or not the dates are for further processing) may be exported to a particular country upon the Committee, with the approval of the Secretary, finding that exportation of dates of the particular certification category and to the particular country is consistent with the processing or consuming habits of the country and is essential to increase total exports of dates to such country.

11. After § 987.157, a new section, § 987.159, is added to read:

§ 987.159 Requirements for substitution.

Any handler may, under the direction and supervision of the Committee, substitute for any quantity of restricted dates held by him, including but not limited to dates set aside and marked for disposition as provided in § 987.58(b), a like quantity of marketable dates of the same or more recent year's production. The dates to be substituted shall have been certified as meeting the applicable requirements for the outlet of disposition (i.e., one of the outlets prescribed in §§ 987.55 and 987.155 for restricted dates), and identified and marked for the outlet as prescribed in § 987.145(c). Each such handler shall give the Committee reasonable advance notice, in writing, of his intention to substitute, the exact location of the dates for which substitution is to be made, and arrange with the Committee a mutually satisfactory time for the substitution. The provisions of § 987.145(d) with respect to a change in outlet of any such dates shall continue to apply.

12. Section 987.161 is revised to read:

§ 987.161 Handler carry-over reports.

Handler carry-over reports required under § 987.61 shall be submitted on DAC Form No. 5, and shall show the respective quantities, by varieties, of dates held within the area of production and dates held outside of the area of production, which are (a) certified

for handling (packed dates), (b) certified for further processing, (c) certified as marketable for products, (d) certified as export or as export to Mexico, (e) graded dates set aside on approval of the Committee, (f) certified as "field-run" dates set aside including the sound and unsound portions therein, (g) graded or packed but not certified, (h) sub-standard dates and culls, and (i) estimated by the handler to be marketable dates in all field-run lots, other than those covered by paragraph (f) of this section, and the balance of the dates in such lots which are not marketable dates.

§ 987.162 [Amended]

13. Paragraph (e) of § 987.162 is revised to read: "(e) disposition of restricted dates and other marketable dates, graded dates, field-run dates, sub-standard dates, and cull dates, and".

14. Paragraph (b) of § 987.165 is revised to read:

§ 987.165 Other reports.

(b) *Reports by approved manufacturers.* Each approved manufacturer shall file with the Committee no later than August 31 a report on DAC Form No. 4 showing by varieties and for the preceding crop year: (1) The carryin and carryout of dates; (2) the carryout of date products; (3) the quantity of dates received for manufacture; (4) the quantity of dates utilized; and (5) the quantity of date products manufactured, separately as to types.

It is further found that good cause exists for making the provisions effective as herein specified and for not postponing such effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)). This amendment prescribes specific provisions applicable to shipments of dates for further processing and identification requirements for restricted dates to be exported. The amendment would facilitate exportation of dates, under certain prescribed circumstances which are not currently permissible and would tend to enhance overall returns to growers by providing additional export outlets. The amendment should become effective as soon as practicable so as to be applicable to as much of the current crop year (which began August 1, 1965) so as to maximize utilization of opportunity to export dates. Handlers have been aware of rule making procedure with respect to proposed changes and therefore, should not require additional time to prepare for possible operations thereunder. Moreover, no useful purposes would be served by delaying the effective time hereof.

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

Dated September 27, 1965, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 65-10427; Filed, Sept. 29, 1965; 8:48 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Additional Grade Regulations

Notice was published in the August 26, 1965, issue of the FEDERAL REGISTER (30 F.R. 11046) regarding a proposal to revise § 987.203 of Subpart—Additional Grade and Size Regulations with respect to updating and deleting obsolete provisions of the additional grade regulations for Deglet Noor variety dates. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information submitted, and other available information, it is found that the revision, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Additional Grade and Size Regulations (7 CFR §§ 987.203-987.204) is hereby amended by revising § 987.203 to read as follows:

§ 987.203 Additional grade regulations.

(a) *Dates handled as whole or pitted dates.* Deglet Noor dates handled under this part as whole or pitted dates shall, other than for the factors of absence of defects and of character, meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the United States Standards for Grades of Dates (§§ 52.1001 to 52.1011 of this title), as from time to time amended or modified and in effect at the time of such handling, and shall score not less than 24 points for the factor of absence of defects and not less than 31 points for the factor of character, when scored in accordance with the scoring system outlined in said standards.

(b) *Dates withheld to meet restricted obligation.* Subject to any additional requirements prescribed pursuant to § 987.55, Deglet Noor dates to be withheld from handling pursuant to § 987.45 shall, other than for the factors of absence of defects and of character, meet the requirements of U.S. Grade C or U.S. Grade C (Dry), whichever is applicable, of the United States Standards for Grades of Dates, as aforesaid, and shall score not less than 24 points for the factor of absence of defects and not less than 29 points for the factor of character, when scored in accordance with the scoring system outlined in said standards.

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

Dated: September 27, 1965, to become effective October 30, 1965.

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

[F.R. Doc. 65-10426; Filed, Sept. 29, 1965; 8:48 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Container Regulation

Notice was published in the August 26, 1965, issue of the FEDERAL REGISTER (30 F.R. 11047) regarding a proposal to revise § 987.501 of Subpart—Container Regulation by including the Halawy variety of dates and deleting an obsolete provision. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information submitted, and other available information, it is found that the revision, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Container Regulation (7 CFR 987.501) is hereby revised to read as follows:

§ 987.501 Container regulation.

No handler shall package or handle any whole or pitted Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of dates in plastic containers, other than bags and master shipping containers, unless the net weight capacity for dates in the container is: (a) For whole dates, either 12 ounces, one pound eight ounces, or more than two pounds; and (b) for pitted dates either 10 ounces, one pound eight ounces, or more than two pounds. Whole or pitted dates packed in other than plastic containers may be handled without regard to the net weight capacity. For the purpose of this section, plastic container means any container of any shape made from a plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material.

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

Dated: September 27, 1965, to become effective October 30, 1965.

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

[F.R. Doc. 65-10428; Filed, Sept. 29, 1965; 8:48 a.m.]

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

[Milk Order 5]

PART 1005—MILK IN TRI-STATE MARKETING AREA

Order Amending Order

DEFINITIONS

Sec. 1005.1	Act.
1005.2	Secretary.
1005.3	Department.
1005.4	Person.
1005.5	Cooperative association.
1005.6	Tri-State marketing area.
1005.7	Fluid milk product.
1005.8	Route.
1005.9	Distributing plant.
1005.10	Supply plant.
1005.11	Pool plant.
1005.12	Nonpool plant.
1005.13	Handler.
1005.14	Producer-handler.
1005.15	Producer.
1005.16	Producer milk.
1005.17	Other source milk.
1005.18	Butter price.

MARKET ADMINISTRATOR

1005.25	Designation.
1005.26	Powers.
1005.27	Duties.

REPORTS, RECORDS AND FACILITIES

1005.30	Reports of receipts and utilization.
1005.31	Producer payroll reports.
1005.32	Other reports.
1005.33	Records and facilities.
1005.34	Retention of records.

CLASSIFICATION

1005.40	Skim milk and butterfat to be classified.
1005.41	Classes of utilization.
1005.42	Assignment of shrinkage.
1005.43	Transfers.
1005.44	Computation of skim milk and butterfat in each class.
1005.45	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1005.50	Basic formula price.
1005.51	Class prices.
1005.52	Butterfat differentials to handlers.
1005.53	Location adjustments to handlers.
1005.54	Use of equivalent prices.

APPLICATION OF PRICES

1005.60	Computation of the net obligation of each handler.
1005.61	Computation of the uniform price.

Sec. 1005.62 Obligations of handler operating a partially regulated distributing plant.

PAYMENTS

1005.70	Time and method of payment.
1005.71	Butterfat differential to producers.
1005.72	Location differentials to producers and on nonpool milk.
1005.73	Producer-settlement fund.
1005.74	Payments to the producer-settlement fund.
1005.75	Payments from the producer-settlement fund.
1005.76	Marketing services.
1005.77	Expense of administration.
1005.78	Adjustment of accounts.
1005.79	Overdue accounts.
1005.80	Termination of obligations.
MISCELLANEOUS PROVISIONS	
1005.90	Effective time.
1005.91	Suspension or termination.
1005.92	Continuing power and duty of the market administrator.
1005.93	Liquidation after suspension or termination.
1005.94	Agents.
1005.95	Separability of provisions.

APPROPRIATE: The provisions of this Part 1005 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1005.0 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 (Part 900 of this title), 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 Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(4) 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, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to: (a) Producer milk (including such handler's own farm production); (b) Other source milk allocated to Class I pursuant to § 1005.45(a) (3) and (7) and the corresponding steps of § 1005.45(b); and (c) 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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued August 3, 1965, and the decision of the Secretary containing all amendment provisions of this order was issued September 7, 1965. The changes effected by this order will not require extensive preparation or substantial

alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1965, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

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

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

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

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

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

DEFINITIONS

§ 1005.1 Act.

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

§ 1005.2 Secretary.

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

§ 1005.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1005.4 Person.

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

§ 1005.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

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

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

§ 1005.6 Tri-State marketing area.

"Tri-State marketing area" hereinafter called the "marketing area" means all the territory within the following designated districts, including territory within such districts occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) "Charleston-Huntington district" means all the territory within the boundaries of the following:

(1) Kentucky counties of: Boyd, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, Pike.

(2) West Virginia counties of: Boone, Cabell, Fayette, Kanawha, Lincoln, Logan, Putnam, Raleigh, Wayne, Wyoming.

(3) Lawrence County, Ohio.

(b) "Gallipolis-Scioto district" means all the territory within the boundaries of the following:

(1) Ohio counties of: Gallia, Meigs, Scioto, Jackson.

(2) Townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union in Pike County, Ohio.

(3) West Virginia counties of: Jackson, Mason, Roane.

(4) Magisterial Districts 2, 3, and 8 in Lewis County, Ky.

(c) "Athens district" means all the territory within the boundaries of the following:

(1) Athens and Washington Counties, Ohio; and

(2) Wood County, W. Va.

§ 1005.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted or fortified milk or skim milk (including "dietary" products), concentrated milk, eggnog, cream (not frozen), cultured sour cream, or any mixture in fluid form of milk or skim milk and cream: *Provided*, That such fluid milk products shall not include ice cream mix, frozen dessert mix, evaporated and condensed milk or skim milk, aerated cream products, dips (mixtures with sour cream or cheese base containing nondairy ingredients) not labeled Grade A, nor products which are sterilized or packaged in hermetically sealed containers.

§ 1005.8 Route.

"Route" means a delivery, either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class 1 pursuant to § 1005.41(a) (1).

§ 1005.9 Distributing plant.

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

§ 1005.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1005.11 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products physically received at such plant or diverted as producer milk from such plant pursuant to § 1005.16 is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk physically received from dairy farmers

and handlers pursuant to § 1005.13(d) at such plant or diverted as producer milk from such plant pursuant to § 1005.16 during the month is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through December shall be a pool plant for the months of January through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

§ 1005.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1005.11 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

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

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1005.13 Handler.

"Handler" means:

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

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

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

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

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1005.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health

authority, which milk is received at a pool plant or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

- Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1005.13(d); or
- Diverted from a pool plant to a nonpool plant other than an order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted. Provided, That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

§ 1005.17 Other source milk.

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

- Fluid milk products from any source except (1) fluid milk products from pool plants, (2) producer milk, or (3) fluid milk products in inventory at the beginning of the month; and
- Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1005.18 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (2-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATION

§ 1005.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1005.26 Powers.

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

- To administer its terms and provisions;
- To make rules and regulations to effectuate its terms and provisions;
- To receive, investigate and report to the Secretary complaints of violations; and
- To recommend amendments to the Secretary.

§ 1005.27 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:

- Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- Pay, out of the funds provided by § 1005.77, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1005.78, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or

by such investigation as the market administrator deems necessary;

- Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;
- Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1005.30, 1005.31 and 1005.32, or payments pursuant to §§ 1005.70, 1005.74, 1005.76, 1005.77, 1005.78, and 1005.79.

- Upon request, supply on or before the 25th day after the end of each month to each cooperative association with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of producer milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report, such member milk shall be proportioned to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;
- Publicly announce on or before:
 - The 5th day of each month, the Class I price and the Class I butterfat differential for the month and the Class II price and the Class II butterfat differential for the preceding month, pursuant to §§ 1005.51 and 1005.52; and
 - The 12th day after the end of such month, the uniform price pursuant to § 1005.61 and the butterfat differential pursuant to § 1005.71;
- Whenever required for purpose of allocating receipts from other order plants pursuant to § 1005.45(a), (8) and the corresponding step of § 1005.45(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;

- 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 § 1005.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

- Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler, and as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1005.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler except a handler pursuant to § 1005.13 (e) or (f) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

- The quantities of skim milk and butterfat contained in or represented by:
 - Producer milk (or, in the case of handlers pursuant to § 1005.13(b), Grade A milk received from dairy farmers);
 - Fluid milk products received from pool plants of other handlers;
 - Other source milk;
 - Milk diverted to nonpool plants pursuant to § 1005.16; and
 - Inventories of fluid milk products at the beginning and end of the month;
- The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

- Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1005.31 Producer payroll reports.

- Each handler pursuant to § 1005.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

- (1) His identity;
- (2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;
- (3) The average butterfat content of such milk; and
- (4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1005.62(b) shall report to the market administrator on or before the 15th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. Such report shall list payments to dairy farmers in lieu of payments to producers.

§ 1005.32 Other reports.

- (a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.
- (c) Each handler pursuant to § 1005.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1005.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

- (a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;
- (b) The weights and butterfat and other content of all milk and milk products handled during the month;
- (c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and
- (d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1005.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1005.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1005.30 shall be classified each month pursuant to the provisions of §§ 1005.41 through 1005.45.

§ 1005.41 Classes of utilization.

Subject to the conditions of § 1005.43, the classes of utilization shall be as follows:

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

(1) Disposed of as a fluid milk product (except as provided in paragraphs (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 represented by the non-fat milk solids added to a fluid milk

product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

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

(4) Skim milk and butterfat in fluid milk products disposed of in bulk (other than consumer-type packages or dispenser units) to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of any such receipts in the form of fluid milk products;

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

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1005.42(b) (1), but not to exceed 2 percent of the total receipts of skim milk and butterfat in:

- (i) Producer milk;
- (ii) Receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; and
- (iii) Receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1005.42(b) (2).

§ 1005.42 Assignment of shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

- (a) Compute the total shrinkage of skim milk and butterfat, respectively, at each plant operated by the handler; and
- (b) Shrinkage computed pursuant to paragraph (a) of this section shall be prorated between:

(1) Skim milk and butterfat contained in producer milk and other fluid milk products specified in § 1005.41(b) (6); and

(2) Skim milk and butterfat in remaining other source milk exclusive of that specified in § 1005.41(b) (6).

§ 1005.43 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, subject 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 § 1005.45(a) (8) and the corresponding step of § 1005.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1005.45(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 § 1005.45(a) (7) or (8) and the corresponding steps of § 1005.45(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 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 in Class II in his report submitted pursuant to § 1005.30;

(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:

(1) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(2) 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 of Grade A milk for such nonpool plant;

(3) Class I utilization in excess of that assigned pursuant to subdivisions (1) and (2) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(4) 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

(5) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2), or (3) of this paragraph:

(i) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(ii) 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, movements 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;

(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 § 1005.41.

§ 1005.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1005.30 and compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1005.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1005.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1005.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk prod-

ucts received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1005.41(b)(2) plus two percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

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

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, 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 multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(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 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 that 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, that 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 § 1005.27(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received from pool plants of other handlers according to the classification of such products pursuant to § 1005.43(a); and

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

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

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1005.50 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 Department 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) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1005.71 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differential deductions to be made pursuant to § 1005.77;

(d) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1005.60(e);

(f) Subtract not less than 4 nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result in all months shall be the "weighted average price," and for the months of January, February, March and August shall be the uniform price;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the total hundredweight of milk specified in paragraph (e) (2) of this section by the weighted average price;

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 20 cents for April and July and 25 cents for May and June;

(i) Add for each month of September through December the amount obtained by multiplying the aggregate amount set aside in the immediately preceding months of April through July by 20 percent for each month of September and October and by 30 percent for November;

(j) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 nor more than 5 cents from the price computed pursuant to paragraph (j) of this section.

§ 1005.54 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.

APPLICATION OF PRICES

§ 1005.60 Computation of the net obligation of each handler.

The net pool obligation of each handler pursuant to § 1005.13 (a), (c), and (d) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1005.45 by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1005.45(a) (10) and the corresponding step of § 1005.45 (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 § 1005.45(a) (5) and the corresponding step of § 1005.45(b);

(d) Add an amount equal to the difference between the value at the Class I and Class II price values of the skim milk and butterfat subtracted from Class I pursuant to § 1005.45(a) (3) and the corresponding step of § 1005.45(b); and

(e) Add the value at the Class I price (adjusted for the location of the nearest nonpool plant from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1005.45(a) (7) and the corresponding step of § 1005.45(b).

§ 1005.61 Computation of the uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1005.60 for all handlers who reported pursuant to § 1005.30 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section

(iv) Add or subtract three cents for each percent that the current Class I utilization percentage is, respectively, above the maximum or below the minimum standard utilization percentages for the month in the following table:

Month	Standard utilization percentage	
	Minimum	Maximum
January	86	90
February	87	91
March	88	92
April	84	88
May	84	88
June	84	88
July	78	82
August	73	77
September	72	76
October	75	79
November	79	83
December	82	86

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

§ 1005.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1005.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) Class I milk. Add 1.0 cent to the butterfat differential pursuant to paragraph (b) of this section for the preceding month.

(b) Class II milk. Subtract 3.0 cents from the Chicago butter price for the month and multiply the remainder by 0.119.

§ 1005.53 Location adjustments to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof of up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

§ 1005.51 Class prices.

Subject to the provisions of §§ 1005.52 and 1005.53, the class prices per hundredweight for the month shall be as follows:

(a) Class I price. The Class I price shall be the basic formula price for the preceding month adjusted as follows:

(1) Add for plants in each respective district as follows: Charleston-Huntington, \$1.60; Gallipolis-Scioto, \$1.50; and Athens, \$1.40. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the City Hall of the following cities that is nearest such plant:

KENTUCKY	
Ashland.	Pikeville.
Paintsville.	
OHIO	
Athens.	Marion.
Jackson.	Portsmouth.
WEST VIRGINIA	
Charleston.	Huntington.
Hinton.	Williamson.

(2) Add or subtract a supply-demand adjustment, computed as follows, that is not more than 38 cents and that for March 1966 and each subsequent month does not differ from such adjustment for the month immediately preceding by more than 4 cents: Provided, That the supply-demand adjustment pursuant to this subparagraph shall not be less than plus 38 cents in October 1965, plus 24 cents in November 1965, plus 15 cents in December 1965, plus 3 cents in January 1966 and minus 6 cents in February 1966;

(i) Determine the total hundredweight of producer milk classified (including receipts from own farm production) in the three months ending with the second preceding month;

(ii) Determine the total hundredweight of milk classified in Class I by all handlers pursuant to § 1005.13 (a), (c), and (d) (adjusted to eliminate duplications due to Class I transfers between such handlers) in the three months ending with the second preceding month;

(iii) Determine the "current Class I utilization percentage" by calculating the percentage, rounded to the nearest full percentage, that the amount obtained in subdivision (ii) of this subparagraph is of the amount obtained in subdivision (i) of this subparagraph; and

§ 1005.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1005.30 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

- (a) An amount computed as follows:
 - (1) The obligation that would have been computed pursuant to § 1005.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and be valued at the weighted average price (or, in its absence, the uniform price) of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1005.60(e) and a credit in the amount specified in § 1005.74(b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1005.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1005.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the

(ii) Less proper deductions authorized in writing by the producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1005.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) On or before the second day preceding the date payments are due pursuant to paragraph (a) of this section each handler shall pay a cooperative association which is authorized by its producer members to collect payment for their milk and which has so requested any handler in writing the sum of the individual payments due such producers pursuant to paragraph (a) of this section; and

(c) In making the payments pursuant to paragraphs (a) and (b) of this section, the handler shall furnish each producer or cooperative association with a supporting statement, in such form that it may be retained by the recipient, which shall show for each month:

- (1) The month and the identity of both the producer and the handler;
- (2) The quantity and the average butterfat content of milk delivered by each producer; and
- (3) The net amount of each payment, together with the price paid and the amount and nature of each deduction.

§ 1005.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the Chicago butter price for the month by 0.12.

§ 1005.72 Location differentials to producers and on nonpool milk.

The uniform price for producer milk received at the pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1005.53 and shall be further reduced at pool

plants at which the Gallipolis-Scioto and Athens district Class I prices are applicable at the rate of 10 and 20 cents, respectively. For purposes of computations pursuant to § 1005.74(b) (2), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

§ 1005.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1005.62 and 1005.74 and out of which he shall make all payments from such fund pursuant to § 1005.75. Provided, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1005.74 Payments to the producer-settlement fund.

On or before the 14th 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 exceeded the amounts specified in paragraph (b) of this section:

- (a) The net pool obligation pursuant to § 1005.60 by such handler; and
- (b) The sum of:
 - (1) The value of such handler's producer milk at the applicable uniform price; and
 - (2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1005.60(e).

§ 1005.75 Payments from the producer-settlement fund.

On or before the 15th 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 § 1005.74(b) exceeds the amount computed pursuant to § 1005.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1005.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

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

§ 1005.77 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

- (a) Producer milk (including such handler's own farm production);
- (b) Other source milk allocated to Class I pursuant to § 1005.45(a) (3) and (7) and the corresponding steps of § 1005.45(b); and
- (c) 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.

§ 1005.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of any handler discloses errors resulting in monies due the market administrator from such handler or due such handler

from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1005.79 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1005.70 through 1005.78 shall be increased one-half 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.

§ 1005.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

- (1) The amount of the obligation;
 - (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
 - (3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;
- (b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following

the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative; and

(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.

MISCELLANEOUS PROVISIONS

§ 1005.90 Effective time.

The provisions of this part or any amendment of this part 1005 shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1005.91.

§ 1005.91 Suspension or termination.

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

§ 1005.92 Continuing power and duty of the market administrator.

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

(b) The market administrator, or such other person as the Secretary may designate shall:

- (1) Continue in such capacity until removed by the Secretary;
- (2) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with

the books and records of the market administrator, to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 1005.93 Liquidation after suspension or termination.

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

§ 1005.94 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 1005.

§ 1005.95 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Secs. 1-19, 43 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. October 1, 1963.

Signed at Washington, D.C., on September 27, 1963.

ORVILLE L. FREEMAN,

Secretary.

[F.R. Doc. 65-10423; Filed Sept. 23, 1965; 8-48 a.m.]

[Milk Order 31]

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA**Order Amending Order****§ 1031.0 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 (Part 900 of this title), 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 Northwestern Indiana 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 this Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 20, 1965, and the decision of the Secretary containing all amendment provisions of this order, was issued September 7, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1965, and that it would be con-

trary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

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

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

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

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

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

Section 1031.51(a) is revised as follows:

§ 1031.51 Class prices.

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.36 August through November, \$0.96 March through June, and \$1.16 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio;

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

Effective date. October 1, 1965.

Signed at Washington, D.C., on September 27, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-10424; Filed, Sept. 29, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS**Chapter I—Agricultural Research Service, Department of Agriculture****SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY****PART 78—BRUCELLOSIS****List of Public Stockyards**

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as

amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.14(a) of Part 78, Title 9, Code of Federal Regulations, is hereby amended by changing the name of the "Portland Union Stock Yards—North Portland", under the heading "Oregon", in the list of public stockyards as set forth in said paragraph (a) to read: "Portland Livestock Market, Inc.—North Portland".

(Secs. 4, 5, 13, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended, 30 F.R. 5801; 9 CFR 78.16)

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

The amendment merely changes the designation of the stockyard to conform to its current name and makes no substantial change in any requirements.

Inasmuch as notice and other public procedure regarding the amendment would not make additional information available to the Department and since the amendment does not affect the rights or obligations of any persons under the regulations, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that notice and other public procedure regarding the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of September 1965.

NORVAN MEYER,
Acting Director, Animal Health
Division, Agricultural Research Service.

[F.R. Doc. 65-10422; Filed, Sept. 29, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE**Chapter I—Federal Aviation Agency**

[Docket No. 6742; Amdt. 39-145]

PART 39—AIRWORTHINESS DIRECTIVES**Vickers Viscount Models 744, 745D, and 810 Series Airplanes**

Amendment 357 (26 F.R. 10224), AD 61-23-5 requires inspection and replacement or repetitive inspection of the wing spar boom attachment joint lugs of Viscount Models 745D and 810 Series airplanes. A proposal to amend AD 61-23-5 to extend the applicability of the AD to Model 744 airplanes and to include certain changes and relaxations in inspection techniques and replacement parts was published in 30 F.R. 8414.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comment was received indicating that a clarification of the AD was necessary since it

appeared that as proposed, an operator could delay the visual inspection required in paragraphs (e) (1) (i), (e) (2) (i), and (e) (3) (i) until the six month torque inspection required in paragraphs (e) (1) (ii), (e) (2) (ii), and (e) (3) (ii). The Agency agrees with this comment and the AD has been changed to make it clear that the subject visual inspections have to be accomplished within 500 hours' time in service after the fitment of the joints. Comment was also received requesting that the issue Nos. of the PTL's in the parenthetical reference be removed so that operators could avail themselves of the relief granted by a later issue of the PTL. Removal of the issue number from the parenthetical reference would allow any issue to be used. This was not the intent of the AD, as earlier issues of the PTL are not applicable. However, the Agency agrees that operators should be able to take advantage of relief granted in later issues, and the AD has been amended accordingly.

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 is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series airplanes. Compliance required as indicated.

As a result of reported cracks in the inner and outer wing spar attachment joint lugs, inspections were made and a number of airplanes were found to have cracks in the spar boom joint lugs. These cracks may occur on any one of the fingers of the joint lugs and appear to originate in the taper holes and then generally progress in a direction parallel to the joint lug. Accordingly, the following must be accomplished:

(a) Unless already accomplished as required by AD 61-23-5, within the next 20 hours' time in service after the effective date of this AD, inspect for cracks using ultrasonic methods, or FAA-approved equivalent, all the outer wing to inner wing spar boom attachment joint lugs, top and bottom, right and left and the inner wing to center section spar boom attachment joint lugs, top and bottom, right and left, in the region of the taper bolt holes.

(1) If cracks are found in any of the lower spar boom joints, replace with new spar booms before further flight.

(2) If no cracks are found in any of the lower spar boom joints, airplanes having cracks in the top spar boom joints, within the limits specified in (a) (2) (i) may be continued in service provided the inspection required by paragraph (a) is repeated on the affected top spar boom joints at intervals specified in (b) (4).

(i) One crack is permitted in any of the top four joints, i.e., a total of four cracks per airplane. Permissible cracks are those extending completely between two adjacent holes in one lug only; or extending between the bolt hole nearest the end of one lug and the end of that lug; or between the bolt hole nearest the boom body and a line one inch from this hole towards the body of the boom, in one lug only. A number of small cracks confined within any one of these areas may be considered as one single crack for the purpose of this limitation.

(3) If cracks beyond the limits specified in (a) (2) (i) are found in any of the top spar boom joints, replacement with a new top spar boom is required before further flight; except that, if there are no cracks in any of the lower spar boom joints and

the extent of the cracking in the top spar boom joints has been reported to B.A.C. (Operating), Ltd. (Weybridge Division), for evaluation and the operator has obtained and presented to the FAA approval for flight from B.A.C. (Operating), Ltd., based upon such evaluation, the airplane may be flown in accordance with FAR 21.197 to a base where replacement with a new top spar boom can be accomplished.

(b) Subsequent to the initial inspection required by paragraph (a) the following repetitive inspections must be accomplished:

(1) *Airplanes fitted with DTD 363 bottom spar booms (744 Airplanes).*

(i) Accomplish ultrasonic or FAA-approved equivalent inspection on all the bottom spar boom joints not later than six months after the date of initial refitment of the taper bolts or subsequent reinspection of the spar boom joints.

(ii) Bottom Outer to Inner Wing spar boom joints that have not been line reamed—Accomplish repetitive ultrasonic or FAA-approved equivalent inspection at intervals not exceeding 18 months, commencing from the date of the initial refitment of the taper bolts or subsequent reinspection of the spar boom joints.

(iii) Bottom Outer to Inner Wing spar boom joints which have been line reamed, or Blueing Checks of the taper bolts has positively established the contact area between the bolt and the bolt hole to be not less than 95 percent including the web plates—Accomplish repetitive ultrasonic or FAA-approved equivalent inspection at intervals not exceeding two years, commencing after the date of initial refitment of the taper bolts or subsequent reinspection of the spar boom joints.

(iv) Bottom Inner Wing to Center Section spar boom joints—Accomplish repetitive ultrasonic or FAA-approved equivalent inspection at intervals not exceeding two years, commencing from the date of initial refitment of the taper bolts or subsequent reinspection of the spar boom joints.

(2) *Airplanes fitted with L. 65 bottom spar booms (745D and 810 Airplanes).*

(i) Accomplish repetitive ultrasonic or FAA-approved equivalent inspection at intervals not exceeding three years, commencing from the date of the last ultrasonic inspection or the subsequent six yearly reinspection of the spar boom joints.

(ii) If cracks are found in any of the lower spar boom joints, replacement with new spar booms is required prior to further flight.

(3) *All airplanes: top spar boom joints.*

(i) Inspect all top spar boom joints, in which the taper bolts have not been retensioned to the revised instructions detailed in the applicable PTL referenced herein, for cracks using ultrasonic methods, or FAA-approved equivalent, at intervals not exceeding six months commencing from the date of the last ultrasonic or FAA-approved equivalent inspection. Airplanes found to have cracks in the top spar boom joints which are within the limits specified in (a) (2) (i) and section II, Part 2 "Limitations" of the applicable PTL referenced herein may be continued in service and must be reinspected in accordance with paragraph (b) (4). When cracks are found that exceed the limits of (a) (2) (i) or section II, Part 2 "Limitations" of the applicable referenced PTL, the spar boom must be replaced before further flight in accordance with paragraph (a) (3).

(ii) Inspect top spar boom joints in which the taper bolts have been retensioned to the revised instructions detailed in the applicable referenced PTL, for cracks using ultrasonic methods or FAA-approved equivalent, at intervals not exceeding two years commencing from the date of refitment of the taper bolts.

(iii) If, for any reason, an additional ultrasonic inspection has been carried out after retensioning, but before expiration of the two-year period, the next ultrasonic inspection must be accomplished within not later than two years from the date of the subsequent inspection. Airplanes found to have cracks in the top spar boom joints which are within the limits specified in (a) (2) (i) and section II Part 2 "Limitations" of the applicable PTL referenced herein may continue in service and must be reinspected in accordance with paragraph (b) (4). When cracks are found that exceed the limits in paragraph (a) (2) (i) and section II Part 2 "Limitations" of the applicable PTL the spar boom must be replaced before further flight in accordance with paragraph (a) (3).

(4) On airplanes having cracks in the top spar boom joints which are within the permissible limits of paragraph (a) (2) (i) and section II Part 2 "Limitations" of the applicable PTL referenced herein inspect the affected joint using ultrasonic methods or FAA-approved equivalent as follows:

(i) Where the acceptable defect has a reflectivity of at least 30 percent but not more than 100 percent of the appropriate 5/64-inch flat-bottom hole standard, at intervals not exceeding 12 months, or at such periods as are approved by the airplane manufacturer, or the Chief, Aircraft Certification Staff, FAA European Region, commencing from the date of the last ultrasonic inspection.

(ii) Where the acceptable defect has a reflectivity above 100 percent but not exceeding 200 percent of the appropriate 5/64-inch flat-bottom hole standard, at intervals not exceeding six months or at such periods as are approved by the airplane manufacturer, or the Chief, Aircraft Certification Staff, FAA European Region, commencing from the date of the last ultrasonic inspection.

(iii) Where the acceptable defect has a reflectivity more than 200 percent of the appropriate 5/64-inch flat bottom hole standard at intervals not exceeding three months or at such periods as are approved by the airplane manufacturer, or by the Chief, Aircraft Certification Staff, FAA European Region, commencing from the date of the last ultrasonic inspection.

(iv) When cracks exceed the limits of (a) (2) (i) and Section D Part 2 "Limitation" of the applicable reference PTL the spar booms must be replaced before further flight per paragraph (a) (3).

(5) In addition to the ultrasonic inspection requirements of (a) and (b) (i) through (4) accomplish ultrasonic or FAA-approved equivalent inspection of the top and bottom spar boom joints when a replacement outer wing is fitted to the airplane. No ultrasonic inspection is necessary when an outer wing is removed and refitted to the same airplane between the specified ultrasonic inspection intervals, provided that bolt tensioning has previously been accomplished in accordance with the applicable PTL referenced herein and provided that the correct ultrasonic inspection cycles have been maintained.

(c) *Reinspection of spar boom joints.* Reinspection of wing spar joints at controlled intervals is required and must be accomplished in accordance with the procedure in the applicable referenced PTL. This procedure necessitates the removal of all bolts in each joint to enable a thorough visual inspection for corrosion and cleanliness, both of the bolts and holes. On re-assembly a set of new or reclaimed bolts must be fitted in accordance with Section IV of the subject PTL. After inspection as required by this AD and repair in accordance with the applicable referenced PTL the bolts and joints are to be reprotected and assembled in ac-

cordance with the applicable referenced PTL. Following the fitting of the bolts a torque loading check must be accomplished in accordance with Section V of the applicable referenced PTL. Refitment of the bolts must be followed by an inspection of the joint for cracks, using ultrasonic methods or FAA-approved equivalent, prior to further flight. Reprotection of all top and bottom spar boom joints must be carried out on all airplanes when they achieve five years of age, dating from the time of manufacture. On Type 744 airplanes (DTD 363 bottom spar booms) compliance was required by December 31, 1961. On Types 745D and 810 airplanes (L65 bottom spar booms) if this age was achieved before June 30, 1962, compliance was required by that date. Subsequently, repeat the reprotection at intervals of six years. If the spar bolts were retensioned before receipt of Vickers Armstrongs Cable S86952 or Issue 4 of the referenced PTL (for 744 and 745D) or Issue 3 of the referenced PTL (for 810) reprotection of all spar joints must be accomplished within six years after the date of the initial retensioning and at subsequent intervals of six years. On airplanes manufactured since January 1961, reprotection of all spar joints is required six years after date of manufacture and repeated at intervals of six years.

(d) *Interference fitting of wing spar taper bolts.* Refitment of the bolts must be accompanied by ultrasonic or FAA-approved equivalent inspection. Before being considered serviceable for further use, all taper bolts removed from the airplanes must be treated in accordance with the reclaiming procedure section VII of the applicable referenced PTL. The torque loading figures obtained during refitment of the spar taper bolts must be recorded for each airplane since these figures form the datum point for subsequent periodic torque loading inspections. However, where the original torque loading figures have not been recorded it will be necessary to accept the minimum figures quoted in the applicable referenced PTL for datum purposes at the next check inspection, at which time the torque loading figures must be recorded. Suitable charts on which to record the torque loading values are contained in the applicable referenced PTL's. Following the installation and torque loading check of new or reclaimed bolts as detailed in the applicable referenced PTL the inspections detailed below must be accomplished.

(e) *Torque loading inspections of spar boom taper bolts.*

(i) *Outer to inner wing spar boom joints—prior to line reaming the joints.*

(1) Visually inspect the bolts for security not less than 100 hours' nor more than 500 hours' time in service after the time of fitment to the joints.

(ii) Conduct a torque loading inspection not later than six months after the date of refitment of the bolts to ensure that the torque loading values have not deteriorated to a value less than the figure previously recorded. If the torque values are not less than the recorded figures, accomplish next repetitive torque loading inspection within 18 months after the date of refitment of the taper bolts.

(iii) If, on the second repetitive inspection, the torque values are still not less than the recorded figures accomplish next inspection not later than 42 months after the date of refitment of the taper bolts.

(iv) Subsequently, provided the torque values are still not less than the recorded figures accomplish the next repetitive inspection within 66 months from the date of refitment of the taper bolts.

(v) The cycle of inspections required by this paragraph applies only when the torque values remain at not less than the recorded figures at each check. If the readings of any one or more bolts are less than the recorded figure, accomplish rectification in accordance

with Section VI of the applicable PTL referenced herein.

(2) *Outer to inner spar boom joints—subsequent to line reaming the joints.*

(i) Visually inspect the bolts for security not less than 100 hours' nor more than 500 hours' time in service after the time of fitment to the joints.

(ii) Conduct a torque loading inspection not later than six months after the date of refitment of the bolts to ensure that the torque loading values have not deteriorated to a value less than the figures previously recorded. If the torque values are not less than the recorded figures, accomplish next repetitive torque loading inspection within two years after the date of refitment of the taper bolts.

(iii) Subsequently, if torque values remain at not less than the recorded figures accomplish repetitive inspections at intervals of two years.

(iv) The cycle of inspections required by this paragraph applies only when the torque values remain at not less than the recorded figures at each check. If the readings of any one or more bolts are less than the recorded figure, accomplish rectification in accordance with Section VI of the applicable referenced PTL.

(v) The repetitive torque loading inspections required by (d) (2) (i) and (iii) also apply to those airplanes that have been subject to Blueing Checks of the taper bolts in the holes and it has been positively established that the contact area between the bolt and bolt holes in the top and bottom outer to inner wing joints is not less than 95 percent including the web plates.

(3) *Inner wing to center section spar boom joints.*

(i) Visually inspect the bolts for security not less than 100 hours' nor more than 500 hours' time in service after the time of fitment to the joints.

(ii) Conduct a torque loading inspection not later than six months after the date of refitment of the bolts to ensure that the torque loading values have not deteriorated to a value less than the figure previously recorded. If the torque values are not less than the recorded figures, accomplish next repetitive torque loading inspection within two years after the date of refitment of the taper bolts.

(iii) Subsequently, if the torque values remain at not less than the recorded figures accomplish repetitive inspections at intervals of two years.

(iv) The cycle of inspections required by this paragraph applies only when the torque values remain at not less than the recorded figures at each check. If the reading of any one or more bolts is less than the recorded figure, accomplish rectification in accordance with section VI of the applicable referenced PTL.

(British Aircraft Corporation (Weybridge Division) Preliminary Technical Leaflet No. 230 Issue 8 (700 Series) and corrigendum (for 744 and 745D airplanes), No. 97 Issue 7 (800/810 Series) and corrigendum (for 810 Series airplanes) or later ARB-approved issue cover this subject.)

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

This superseded Amendment 357 (26 F.R. 10224), AD 61-23-5.

This amendment becomes effective October 29, 1965.

Issued in Washington, D.C., on September 23, 1965.

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

[F.R. Doc. 65-10370; Filed, Sept. 29, 1965; 8:45 a.m.]

[Docket No. 6764; Amdt. 39-146]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of thrust reverser indicating light switches and modification of the wiring to these switches on the subject airplanes was published in 30 F.R. 8798.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commentator requested an extension of the compliance time to insure parts availability. After further consideration the Agency finds that an extension of the compliance time from 1200 hours to 1800 hours is necessary in order to assure parts availability for all operators and the directive has been revised accordingly. Another commentator requested that the compliance time be extended to 3000 hours for convenience in scheduling the work at engine heavy service. In view of the need for the modification required by this AD, the Agency cannot concur in the request for such a substantial increase in the compliance time based on the justification presented. Another commentator questioned whether the switch required to be installed by the AD can withstand the temperatures encountered. The Agency's review of test data on the replacement switch shows it to be adequate for its intended environment. Comment was also received questioning whether the switch failures were caused by moisture accumulation in view of the high heat encountered in the present switch location. Service experience has shown that the switch failures were caused by moisture accumulation in the original switches in spite of the high heat at the switch location. However, replacement with the sealed switch required in the AD will prevent such failures. Another commentator contends that the wiring change required in the AD is not important to the safe operation of the airplanes and does not warrant an AD. The Agency disagrees with this contention, since a false reverser operating light illumination during the takeoff roll may cause the pilot to unnecessarily initiate a takeoff abort procedure resulting in a potentially dangerous situation. Another commentator objected to the AD as being unnecessary since all its airplanes have been modified as required by the AD. The AD is being issued to insure that all affected airplanes have been modified. There is specific provision in the AD for all airplanes on which the modifications have been accomplished.

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 is amended by adding the following new airworthiness directive:

BOXING. Applies to Model 707 and 720 Series airplanes.

Compliance required within the next 1800 hours' time in service after the effective date of this AD unless already accomplished.

To prevent further false indications of thrust reverser operations as a result of malfunction of the thrust reverser indicating light switch and switch wiring, accomplish the following:

(a) On airplanes equipped with JT3D turbofan engines, modify as follows:

(1) On airplanes modified in accordance with Boeing Service Bulletin No. 1896, dated November 1963, replace each aft thrust reverser indicating light switch with sealed switch, P/N 2HT13, in accordance with Boeing Service Bulletin No. 1896, or an equivalent.

(2) On airplanes not modified in accordance with Boeing Service Bulletin No. 1896, replace each aft thrust reverser indicating light switch with sealed switch, P/N 2HT13, in accordance with Boeing Service Bulletin No. 1884, dated January 1964, or an equivalent.

(3) Interchange the electrical leads on the forward and aft thrust reverser indicating light switches in accordance with Boeing Service Bulletin No. 2170, dated May 1965, or an equivalent.

(b) On airplanes equipped with JT3C or JT4A turbojet engines, modify the thrust reverser indicating light switch wiring by interchanging the electrical leads in accordance with Boeing Service Bulletin No. 2170 or an equivalent.

(c) Approval of any equivalent shall be processed through the Aircraft Engineering Division, FAA Western Region.

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

This amendment becomes effective October 29, 1965.

Issued in Washington, D.C. on September 23, 1965.

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

[F.R. Doc. 65-10371; Filed, Sept. 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-83]

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

Alteration of Transition Areas

Correction

In F.R. Doc. 65-9988, appearing at page 12026 of the issue for Tuesday, September 21, 1965, the following corrections are made in the transition area for Oshkosh, Wis., under § 71.181:

1. In the 24th line, "latitude 84°19'50" N." should read "latitude 44°19'50" N."
2. In the 30th line, "latitude 64°29'10" N." should read "latitude 44°29'10" N."

[Docket No. 6636; Amdt. 121-11]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Use of Oxygen Masks by Flight Crewmembers

The purpose of this amendment is to revise the present operating rule with

respect to the use of oxygen masks by flight crewmembers when operating above flight level 250.

The currently effective provisions of § 121.333(c) of Part 121 of the Federal Aviation Regulations require that at least one pilot at the controls of a turbine-powered airplane wear and use an oxygen mask when operating above flight level 250, and that the remaining flight crewmembers have their masks in a position permitting immediate placing of the masks on their faces for use, properly secured and sealed. An exception to the currently effective rule relaxes the above stated requirement below flight level 350, if each flight crewmember on flight deck duty has a "quick-donning" type of oxygen mask which the air carrier has demonstrated to be satisfactory to a representative of the Administrator.

Prior to the introduction of turbojet airplanes into air carrier service, rules were prescribed with respect to wearing oxygen masks on such airplanes when used in air carrier service. The lack of previous operating experience with turbojet airplanes and the type of oxygen masks then available justified the conservative approach at that time with respect to the requirements for oxygen masks. As operating experience was gained and improved oxygen masks became available, the rule was amended as outlined in Civil Air Regulations Amendments 40-12, effective September 1, 1958; 40-23, effective November 30, 1959; 40-25, effective February 1, 1960; and 40-28, effective March 3, 1961. Similar amendments were made to Parts 41 and 42 on the same dates.

Six and one-half years of operating experience with turbojet airplanes having pressurized cabins has shown the occurrence of sudden decompressions to be very infrequent, and of no serious consequence. Oxygen masks and their attendant harnesses have advanced in design to the point where they can and do meet the standards prescribed for the quick-donning concept. We also recognize that the wearing of these masks may create a degree of discomfort which in turn might hamper the wearer's efficiency. The period when the mask must be worn should, therefore, be held to the prudent minimum. We do, however, consider it necessary to require the oxygen masks, when not being used, to be kept at all times in a condition ready for use, and so located as to be within the immediate reach at all times of the flight crewmembers while at their duty stations above flight level 250.

Upon consideration of these factors, the Agency is amending § 121.333(c) (2) to the extent that, if each flight crewmember on flight deck duty is provided with a quick-donning oxygen mask, the one pilot at the controls of the airplane now required to wear and use an oxygen mask need not do so while at or below flight level 410. Above flight level 410, the time element becomes much more critical and consideration must be given to pressure breathing demand equipment.

Since the affected industry groups are well aware of, and in agreement with, this relaxatory amendment, compliance with the notice and public procedure

provisions of the Administrative Procedure Act is unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, effective September 30, 1965, paragraph (c) (2) of § 121.333 of Part 121 of the Federal Aviation Regulations (14 CFR Part 121, as amended) is hereby amended by striking out the number "350" and inserting in place thereof the number "410".

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on September 24, 1965.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 65-10405; Filed, Sept. 29, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 76]

PART 307—MANUFACTURING OF NARCOTIC DRUGS

Basic Classes of Narcotic Drugs; Addition of Fentanyl and Its Salts

On August 17, 1965, a notice was published in the FEDERAL REGISTER (30 F.R. 10202), which stated that the Commissioner of Narcotics, pursuant to the provisions of section 6 of the Narcotics Manufacturing Act of 1960 (74 Stat. 61, 21 U.S.C. 504) and 21 CFR 307.71-307.72, proposed to add Fentanyl (1-phenethyl-4-N-propionylanilino) and its salts, which have heretofore been determined to be narcotic drugs as defined in 26 U.S.C. 4731, as amended, to the existing classification of "basic classes of narcotic drugs" enumerated in section 3(g) of the Narcotics Manufacturing Act of 1960 (74 Stat. 56; 21 U.S.C. 502).

After due notice and opportunity for public hearing, and after consideration of all relevant matters, the addition to the list of "basic classes of narcotic drugs" has been determined, under paragraphs (c) and (e) of 21 CFR 307.72, to be consistent with the law and the public health and safety and Fentanyl (1-phenethyl-4-N-propionylanilino) and its salts are hereby established as a new basic class of narcotic drugs to be added to the existing classification set forth in section 3(g) of the Narcotics Manufacturing Act of 1960.

Accordingly § 307.73 is amended by adding a new basic class of narcotic drugs to the list of basic classes of narcotic drugs, as follows:

§ 307.73 List of basic classes of narcotic drugs.

The following substances and their salts constitute the list of basic classes of narcotic drugs:

35. Fentanyl (1-phenethyl-4-N-propionylanilino).

Effective date. This Treasury Decision shall become effective upon its filing for publication in the FEDERAL REGISTER.

(21 U.S.C. 504 (74 Stat. 61); 21 U.S.C. 514 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: September 24, 1965.

JOSEPH W. BARR,
Under Secretary of the Treasury.

[F.R. Doc. 65-10433; Filed, Sept. 29, 1965;
8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

Subpart B—Mail Messenger Service

TERMINATION OF SERVICE; CORRECTION

In F.R. Doc. 65-8574 appearing in the issue for Saturday, August 14, 1965, at page 10152, in § 94.16, the provisions in former paragraph (d) were shown in a paragraph (a). Inadvertently, former paragraph (d) was not redesignated as paragraph (a). Accordingly, former paragraph (d) is redesignated paragraph (a), and former paragraphs (a) through (c) are redesignated paragraphs (b) through (d), respectively.

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

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-10399; Filed, Sept. 29, 1965;
8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter IV—Vocational Rehabilitation Administration, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

Subpart B—State Plans and Grants for Vocational Rehabilitation

ALLOCATIONS FOR ESTABLISHMENT OF CERTAIN WORKSHOPS AND REHABILITATION FACILITIES

The purpose of this amendment is to provide, pursuant to the Department of Health, Education, and Welfare Appropriation Act, 1966 and any future similar authority, for allocations to States (within their allotments or additional allotments for grants for vocational rehabilitation services under section 2 of the Vocational Rehabilitation Act) for meeting the Federal share of expenditures for the establishment of workshops and rehabilitation facilities where the matching State funds are derived from private contributions conditioned on use for a specified workshop or facility.

1. Subpart B of Part 401, Chapter IV of Title 45 of the Code of Federal Regulations, is amended by adding § 401.50b, as follows:

§ 401.50b Allocations for establishment of certain workshops and rehabilitation facilities.

(a) Within the limits of the allotments and additional allotments to States for grants for vocational rehabilitation services under section 2 of the Act, the Commissioner shall, as authorized by the Congress, make allocations among the States which may be used only for paying the Federal share of expenditures for the establishment of workshops or rehabilitation facilities where, and to the extent that, the State funds for such expenditures are derived from private contributions conditioned on use for a specified workshop or facility. (See § 401.49.) No part of the allotment or additional allotment to any State for grants under section 2 of the Act for any fiscal year other than the allocation to such State pursuant to this section may be used for these purposes.

(b) The allocations to the States for any fiscal year shall be made initially on the basis of population, with such adjustments as may be necessary to make available to each State an allocation of \$25,000 or such other standard minimum amount as the Commissioner may find necessary to support a useful establishment project in each State.

(c) The Commissioner may make reallocations for any fiscal year from time to time of amounts released by the States or determined by the Commissioner not to be reasonably expected to be used by the States within the fiscal year. Additional allocations may be made to States which have need of them as evidenced by approvable project proposals. Priority for additional allocations shall be given on the basis of national, State and local program needs, with due regard for the importance of promoting a nationwide distribution of workshops and rehabilitation facilities of high quality. A State's allocation as increased or decreased pursuant to this paragraph shall be its allocation for the fiscal year.

2. *Effective date.* This revision shall become effective on the date of its publication in the FEDERAL REGISTER. The allocations thereby provided for fiscal year 1966 shall be available with respect to otherwise eligible expenditures made by States after June 30, 1965, for establishment of workshops or rehabilitation facilities.

(Sec. 7(b), Vocational Rehabilitation Act, 68 Stat. 659; 29 U.S.C. 37(b). Interprets and applies Department of Health, Education, and Welfare Appropriation Act, 1965, Public Law 88-605, Title II, 78 Stat. 967; Department of Health, Education, and Welfare Appropriation Act, 1966, Public Law 89-156, Title II, 79 Stat. 596; Vocational Rehabilitation Act, sec. 2, 68 Stat. 652, 29 U.S.C. 32)

Dated: September 23, 1965.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 65-10407; Filed, Sept. 29, 1965;
8:46 a.m.]

Chapter VII—Commission on Civil Rights

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION PART 704—COMMUNICATIONS AND CONFIDENTIAL INFORMATION

Field Offices, and Confidential Information

Subpart B of Part 701, Chapter VII of Title 45 of the Code of Federal Regulations, is amended by adding § 701.13 as follows:

§ 701.13 Field Offices.

The Commission has established field offices at:

Federal Office Building, 167 North Main Street, Memphis, Tenn.
1428 New Federal Building, 219 South Dearborn Street, Chicago, Ill.

Effective upon publication in the FEDERAL REGISTER, § 704.2(c) of Part 704, Chapter VII of Title 45 of the Code of Federal Regulations, is revised to read as follows:

§ 704.2 Confidential information.

(c) Any member, officer, or employee of the Commission, including members of State Advisory Committees, who is served with a subpoena, order, or other demand requiring the disclosure of such information or the production of such documents shall appear in response to such subpoena, order, or other demand and, unless otherwise directed by the Commission, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any such person who is served with such a subpoena, order, or other demand shall promptly advise the Commission of the service of such subpoena, order, or other demand, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

JOHN A. HANNAH,
Chairman,
U.S. Commission on Civil Rights.

[F.R. Doc. 65-10436; Filed, Sept. 29, 1965;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE [No. 34630]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

PART 179—TRANSFERS OF OPERATING RIGHTS

PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

Miscellaneous Amendments

Order. At a session of the Interstate Commerce Commission, Division 3, held

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Colusa National Wildlife Refuge, Calif.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

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

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Colusa National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,230 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 30, 1965, through January 5, 1966, and geese may be hunted from October 30, 1965, through January 9, 1966. Hunting will be restricted to Saturdays, Sundays, Wednesdays, and national holidays (except Christmas Day).

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 22, 1965.

[F.R. Doc. 65-10379; Filed, Sept. 29, 1965; 8:46 a.m.]

at its office in Washington, D.C., on the 22d day of September A.D. 1965.

Public Law No. 89-93 (79 Stat. 284), approved July 27, 1965, amended section 5(10) of the Interstate Commerce Act so as to make gross operating revenues, instead of the number of vehicles owned or operated, the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such subparagraph. The amendment applies with respect to agreements entered into on and after September 25, 1965.

There being under consideration the matter of revoking existing rules for computing the number of motor vehicles, prescribed by order dated July 14, 1947, and prescribing new rules for computing gross operating revenues of carriers involved in unifications, and certain minor procedural matters related thereto; and it being impracticable to give notice of proposed rule making or to delay the effective date of the new rules:

It is ordered, That footnote 1 of § 179.1(a) be, and it is hereby, revised by deleting the entire context and substituting in lieu thereof the following:

"The first paragraph of sec. 5(10) provides as follows:

"Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are motor carriers subject to part II (but not including a motor carrier controlled by or affiliated with a carrier as defined in section 1(3)), and where the aggregate gross operating revenues of such carriers have not exceeded \$300,000 for a period of twelve consecutive months ending not more than six months preceding the date of the agreement of the parties covering the transaction."

It is further ordered, That Forms BMC-44 (Revised), BMC-45 (Revised), BF-200 and BF-201 (§§ 7.44, 7.45, 7.200 and 7.201 of this chapter) be, and they are hereby, revised to eliminate from the information required to be furnished the number of vehicles owned, leased, controlled, or normally operated by applicants or their affiliates, if any, during the 6-month period immediately preceding the filing of the applications.

It is further ordered, That Part 180 be, and it is hereby revised to delete § 180.2, Definitions, and § 180.3, Computation of vehicles involved in unifications, and substitute in lieu thereof, the new § 180.3, Computation of gross operating revenues of carriers involved in unifications, set forth below.

It is further ordered, That the order of the Commission, dated July 14, 1947, Combination of Motor Vehicles, be, and it is hereby, superseded by this order.

It is further ordered, That this order shall become effective September 25, 1965.

It is further ordered, That interested parties may present written views or comments pertinent to the new rules, and consideration will be given to any

statements submitted to the Commission within 30 days from the date of publication of this order in the FEDERAL REGISTER; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register.

(Secs. 5, 24 Stat. 380, secs. 204, 206, 209, 211, and 212(b), 49 Stat. 546, 551, 552, 554, and 555, as amended, 49 U.S.C. 5, 304, 306, 309, 311, and 312)

By the Commission, Division 3.

[SEAL]

H. NEIL GARSON,
Secretary.

§ 180.3 Computation of gross operating revenues of carriers involved in unifications.

The aggregate gross operating revenues of the carriers involved in unifications under the provisions of section 5 of the Interstate Commerce Act, as amended, shall be deemed to have exceeded \$300,000 for the period of twelve consecutive months ending not more than six months preceding the date of the agreement of the parties covering the transaction, unless otherwise shown, under each of the following circumstances:

(a) At the end of the preceding calendar year the carriers involved in the transaction filed reports with the Commission, as required by section 220 of the act, showing annual gross operating revenues (including interstate and intrastate) from motor carrier operations totaling more than \$300,000, and none of the carriers has sold or otherwise disposed of any portion of its operating rights subsequent to the end of the preceding calendar year;

(b) A carrier involved in the transaction filed a quarterly report or reports for subsequent quarters, and a reasonable estimate of its annual gross operating revenues and the reported annual gross operating revenues of the other carriers involved in the transaction for the preceding calendar year aggregates more than \$300,000; or

(c) A reasonable estimate of the annual gross operating revenues of any carrier which sold or otherwise disposed of any portion of its operating rights or which began new operations or extended existing operations subsequent to the end of the preceding calendar year and the reported annual gross operating revenues of the other carriers involved in the transaction for the preceding calendar year aggregates more than \$300,000.

NOTE: The foregoing § 180.3 shall apply only with respect to agreements entered into on or after September 25, 1965. In the case of agreements entered into before May 1, 1966, and before May 1 of each succeeding year, the preceding calendar year shall mean the year ended December 31, 1964, and each succeeding calendar year.

[F.R. Doc. 65-10415; Filed, Sept. 29, 1965; 8:47 a.m.]

PART 32—HUNTING**Delevan National Wildlife Refuge, Calif.**

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the *FEDERAL REGISTER*. The limitation of time makes it impracticable to give public notice of proposed rule making.

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

CALIFORNIA**DELEVAN NATIONAL WILDLIFE REFUGE**

Public hunting of ducks, geese, coots, and gallinules on the Delevan National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 30, 1965, through January 5, 1966, and geese may be hunted from October 30, 1965, through January 9, 1966. Hunting will be restricted to Saturdays, Sundays, Wednesdays, and national holidays (except Christmas Day).

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 22, 1965.

[F.R. Doc. 65-10409; Filed, Sept. 29, 1965; 8:47 a.m.]

PART 32—HUNTING**Merced National Wildlife Refuge, Calif.**

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following

special regulation is issued and is effective on the date of publication in the *FEDERAL REGISTER*. The limitation of time makes it impracticable to give public notice of proposed rule making.

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

CALIFORNIA**MERCED NATIONAL WILDLIFE REFUGE**

Public hunting of ducks, geese, coots, and gallinules on the Merced National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,160 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period November 6, 1965, through January 5, 1966, and geese may be hunted from November 6, 1965, through January 9, 1966. Hunting will be restricted to Saturdays, Sundays, Wednesdays, and national holidays (except Christmas Day).

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 22, 1965.

[F.R. Doc. 65-10410; Filed, Sept. 29, 1965; 8:47 a.m.]

PART 32—HUNTING**Sacramento National Wildlife Refuge, Calif.**

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the *FEDERAL REGISTER*. The limitation of time makes it impracticable to give public notice of proposed rule making.

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

CALIFORNIA**SACRAMENTO NATIONAL WILDLIFE REFUGE**

Public hunting of ducks, geese, coots and gallinules on the Sacramento Na-

tional Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 30, 1965, through January 5, 1966, and geese may be hunted from October 30, 1965, through January 9, 1966. Hunting will be restricted to Saturdays, Sundays, Wednesdays, and national holidays (except Christmas Day).

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 22, 1965.

[F.R. Doc. 65-10411; Filed, Sept. 29, 1965; 8:47 a.m.]

PART 32—HUNTING**Sutter National Wildlife Refuge, Calif.**

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the *FEDERAL REGISTER*. The limitation of time makes it impracticable to give public notice of proposed rule making.

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

CALIFORNIA**SUTTER NATIONAL WILDLIFE REFUGE**

Public hunting of ducks, geese, coots and gallinules on the Sutter National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 30, 1965, through January 5, 1966, and geese may be hunted from October 30, 1965,

through January 9, 1966. Hunting will be restricted to Saturdays, Sundays, Wednesdays, and national holidays (except Christmas Day).

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 22, 1965.

[F.R. Doc. 65-10412; Filed, Sept. 29, 1965;
8:47 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

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

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, brant, and coots on the Bombay Hook National Wildlife Refuge, Del., is permitted only on three areas designated by signs as open to hunting. They are known as the Upland Game Hunting Area, South Public Hunting Area, and the West Public Hunting Area. These open areas, comprising 3,201 acres are delineated on maps available at the refuge headquarters, Smyrna, Del., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots subject to the following special conditions:

(1) Ducks, geese, brant, and coots may be hunted on the Upland Game Hunting Area and the South Public Hunting Area during the period November 4 to December 23 inclusive. Brant and geese only may be hunted on the Upland Game Hunting Area during the period December 24, 1965, to January 12, 1966.

(2) Ducks, geese, brant, and coots may be hunted on the West Public Hunting Area from sunrise to 12 noon (standard time) Tuesdays, Thursdays, and Saturdays during the period November 4 to December 23 inclusive. Brant and geese only may be hunted from sunrise to 12 noon (standard time) Tuesdays, Thurs-

days, and Saturdays during the period December 24, 1965, to January 12, 1966, inclusive.

(3) The construction of blinds by the public is not permitted on the South and West Public Hunting Areas. Hunting in those areas shall be only from blinds constructed and labeled by refuge personnel, and possession of a loaded gun and shooting on these areas is not permitted outside of a blind except when in active pursuit of crippled waterfowl.

(4) No person shall use or have in his possession on the West Public Hunting Area any shell containing shot smaller than No. 6 fine shot or larger than No. 2 fine shot.

(5) A Federal permit is required to enter the South Public Hunting Area and the West Public Hunting Area. A permit to enter the South Public Hunting Area may be obtained at the checking station located at Port Mahon from one hour before shooting time until 3 p.m. (Standard Time) from November 4 through December 23 inclusive except Sundays. A permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager in writing for an advance reservation on a Bureau form authorized for this purpose. An individual with an advance reservation will forfeit his permit if he is not present one hour prior to legal shooting hours on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot at the conclusion of the reservation blind drawing. Permits must be surrendered prior to departure from the refuge, and all game taken must be presented to the refuge agent at that time for inspection.

(6) Each hunter with a permit to hunt on the West Public Hunting Area will pay a blind fee of \$5.00 on the day of the hunt.

(7) Not more than 4 persons may occupy a blind at any one time.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1966.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1965.

[F.R. Doc. 65-10380; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Minidoka National Wildlife Refuge, Idaho

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

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

IDAHO

MINIDOKA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the Minidoka National Wildlife Refuge, Idaho, is permitted from October 9, 1965, through January 16, 1966, and the hunting of geese is permitted from October 9, 1965, through January 6, 1966, but only on the area designated by signs as open to hunting. This open area comprising 3,200 acres is delineated on a map available at refuge headquarters, Rupert, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Boats without motors may be used to retrieve downed birds on the main reservoir and water units.

(2) No hunting will be allowed from islands in the reservoir.

(3) Dogs—No more than two dogs per hunter may be used for retrieving waterfowl.

(4) Fires are prohibited.

(5) Entry to the hunting area shall be by the Bird Island Road only.

(6) Parking of vehicles shall be in designated parking areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1965.

[F.R. Doc. 65-10381; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oreg.

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

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

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Hart Mountain National Antelope Refuge, Oreg., is permitted from October 9, 1965, through January 6, 1966, inclusive, but only on the area designated by signs as open to

hunting. This open area, comprising 12,150 acres, is delineated on maps available at refuge headquarters, Lakeview, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Camping will be permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 17, 1965.

[P.R. Doc. 65-10413; Filed, Sept. 29, 1965;
8:47 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

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

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Missisquoi National Wildlife Refuge, Vt., is permitted from October 16, 1965, through December 4, 1965, inclusive, and public hunting of geese (except snow geese) and brant is permitted from October 16, 1965, through December 24, 1965, but only on the area designated by signs as open to hunting. This open area, comprising 469 acres, is delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass., 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 24, 1965.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1965.

[P.R. Doc. 65-10385; Filed, Sept. 29, 1965;
8:45 a.m.]

No. 189—4

PART 32—HUNTING

McNary National Wildlife Refuge, Wash.

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

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

WASHINGTON

M'NARY NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and gallinules on the Hanford Island Division of the McNary National Wildlife Refuge is permitted from October 16, 1965, through January 23, 1966, and the hunting of geese is permitted from October 16, 1965, through January 9, 1966, only on the area designated by signs as open to hunting. This open area, comprising 348 acres, is delineated on maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 23, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1965.

[P.R. Doc. 65-10387; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Cold Springs National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

OREGON

COLD SPRING NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Cold Springs National Wildlife Refuge, Oreg., is permitted from October 23 through November 28, 1965; the hunting of quail is permitted from October 23, 1965, through January 6, 1966; and the hunting of chukar and Hungarian partridge is permitted from October 2, 1965, through January 6, 1966, but only on the area designated by signs as open to hunting. This open area comprising 900 acres is delineated on a map available at refuge headquarters, Mc-

Nary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions: (1) Cars will be permitted on the public hunting area only at designated parking locations.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 21, 1965.

[P.R. Doc. 65-10383; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oreg.

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

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

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

The public hunting of pheasants is permitted from October 23 through November 28, 1965. Hunting of Hungarian partridge and chukars is permitted from October 2, 1965, through January 6, 1966. Quail hunting is permitted from October 23, 1965, through January 6, 1966. Hunting is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,150 acres, is delineated on maps available at refuge headquarters, Lakeview, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Camping is permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 17, 1965.

[P.R. Doc. 65-10414; Filed, Sept. 29, 1965;
8:47 a.m.]

PART 32—HUNTING

Willamette National Wildlife
Refuge, Oreg.

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

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

OREGON

WILLAMETTE NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and quail is permitted on the Willamette National Wildlife Refuge, Oreg., as follows: On the Muddy Creek Division from October 23 through November 7, 1965; and on the Ankeny Division from October 23 through November 28, 1965, but only on the areas designated by signs as open to hunting. These open areas, comprising 2,060 acres, are delineated on a map available at refuge headquarters, Willamette National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunters must check in by completing Part A of the Hunter Permit-Questionnaire form and inserting in a box provided at one of the designated self-service registration stations located on the refuge, and check out at the conclusion of their hunt by completing Part B of the form and inserting in the box. Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1965.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oregon.

SEPTEMBER 22, 1965.

[F.R. Doc. 65-10384; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Arrowwood National Wildlife Refuge,
N. Dak., et al.

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

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,400 acres, is delineated

on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset on November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,600 acres, is delineated on a map available at the refuge headquarters—Kensal, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted from 12 noon to sunset on November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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

and are effective through November 21, 1965.

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from

sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Snake Creek National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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

and are effective through November 21, 1965.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1965, and from sunrise to sunset November 13, 1965, through November 21, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1965.

W. P. SCHAEFER,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

SEPTEMBER 22, 1965.

[P.R. Doc. 65-10382; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Columbia National Wildlife Refuge, Wash., is permitted from October 16 through November 14, 1965, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on a map available at refuge headquarters, Columbia National Wildlife Refuge, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Ore., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally; which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1965.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Ore.

SEPTEMBER 21, 1965.

[P.R. Doc. 65-10386; Filed, Sept. 29, 1965;
8:45 a.m.]

PART 32—HUNTING

Willapa National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

The public hunting of deer and bear on the Willapa National Wildlife Refuge, Wash., is permitted from October 16 through November 7, 1965, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres, is delineated on a map available at refuge headquarters, Willapa National Wildlife Refuge, Ilwaco, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Ore., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Hunting—Hunting is permitted by bow and arrow only.

(2) Camping—Camping is permitted in designated areas only.

(3) During the open season specified above, raccoons may be taken with bow and arrow without regard to limits.

(4) Motor-driven vehicles are not permitted within the hunting area.

(5) Hunters will report at such checking stations as may be established upon entering or leaving the area.

(6) Dogs—Dogs are not permitted for hunting bears.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 7, 1965.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Ore.

SEPTEMBER 21, 1965.

[P.R. Doc. 65-10388; Filed, Sept. 29, 1965;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-354]

CELERY GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the "marketing order") regulating the handling of celery grown in Florida. Any order that may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250. To be considered, exceptions must be filed not later than October 15, 1965. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Orlando, Fla., July 28-30, 1965, pursuant to a notice thereof which was published in the FEDERAL REGISTER on July 9, 1965 (30 F.R. 8684). The notice contained a proposed marketing agreement and order prepared and submitted by the Florida Fresh Produce Exchange.

Material issues. Material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The specific terms and provisions of the marketing order including:

(a) The commodity, the persons, and the marketing transactions to be regulated, and all other proposed definitions;

(b) Provisions relating to the establishment and operations of an agency or committee for local administration of the marketing program;

(c) Terms and provisions relating to volume regulations;

(d) The authority to incur expenses and to levy assessments on handlers to obtain revenue for paying such expenses;

(e) The need for records and reports on marketing transactions and procedures for reporting requirements;

(f) Determinations on need for provisions relating to compliance and other miscellaneous provisions published as §§ —.51 through —.63 (30 F.R. 8687).

Findings and conclusions. The findings and conclusions on the material issues in these proceedings are based on record evidence of the hearing and are as follows:

(1) Celery is one of the more important Florida vegetable crops, ranking high among them in acreage and farm value. Practically all Florida celery is marketed in crates of approximately 60 pounds each. In the 1963-64 season, 7.37 million crates were sold for a total farm value of \$20,861,000.

Florida celery is usually marketed from November through the following June. Marketings pick up to seasonal volume the latter part of November and tail off the latter part of June. Three-fourths, or more, of the crop is marketed in the January-May period. For the 1963-64 season, 48 percent of shipments were made during March, April, and May, and 30 percent in January and February.

Experienced salesmen and salesmen-agers estimate that 90 or more percent of Florida celery is distributed ultimately beyond the State boundaries. Also, sales are made on the same trading basis—offer, quote, acceptance—whether to outlets within or without the State.

Unloads of Florida celery are shown for each of the 35 major cities in "Fresh Fruit and Vegetable Unloads..." (USDA-C&MS) in Eastern (12), Midwestern (12), and Southern (11) cities during calendar year 1964. Florida celery is marketed mostly in the Eastern, Midwestern, and Southern parts of the United States. Shipments also move into some western regions as far as Denver. In addition, Winnipeg, Montreal, Ottawa, and Toronto, Canada, show unloads.

Offers of Florida celery are made in numerous terminal markets, as above indicated. Similarly, prevailing celery prices in various terminal markets are relayed to sellers in Florida. Based on both sellers and buyers respective daily offerings at shipping point and from receiving markets, bargaining goes on among them, sales are made, and daily market levels are established. These transactions are an integral and indissoluble part of the marketing structure and marketing processes for Florida celery. Florida celery is so harvested, packed, and crated that any given shipment or lot may be sold or transported to any market within or outside the State. Although most sales are made for delivery outside the State, a sizable amount of celery is first sold locally, with

title passed to the local buyer, but a considerable portion of such lots end up ultimately outside the State.

The sale of harvested celery by a handler on behalf of a producer is a prevailing, common practice in Florida. In such cases, handlers act as agents for the producer and sell or transport such celery as part of the regular marketing processes in the current of commerce. Handlers also sell harvested celery to other local handlers who resell, also to other regular buyers, either wholesalers or retailers, or to other purchasers.

The transportation of all such harvested celery by any person, whether on his own or others' behalf to meet location requirements of respective parties to sale and purchase, places or continues such commodity in the current of commerce.

Florida celery is an agricultural commodity within the group of vegetables named in the act to which its marketing authority may be applied.

Therefore, it is concluded, the marketing of harvested celery produced in Florida is handling which is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity.

It is determined from substantial evidence in the record of hearing on which these findings and conclusions are based that the right to exercise Federal jurisdiction in the marketing of Florida celery is determined as proper and appropriate under the act and the marketing order hereinafter set forth.

(2) Season average farm prices for celery were less than the Florida parity equivalent price in 7 of the past 10 seasons.

Daily and weekly celery prices, both within and for a season, react to supply estimates by sellers and buyers. Monthly average prices rise and fall inversely with the total supply changes during such periods. From year to year there tends to be an inverse relation between production of celery in Florida and prices received by farmers. If production increases, prices decline and if production decreases, prices increase.

Celery, as one of Florida's more important vegetable crops, has been a source of agricultural income ranging from 9.2 to 24.6 million dollars in annual farm value during the 10-year period 1955-56 through 1964-65.

Such wide variation in farm values for this commodity reflects directly on growers' returns. As shown in Exhibit No. 23 Everglades growers, during the 1950-51 through the 1956-57 seasons, had net returns ranging from 2 cents per crate in 1955-56 to 57 cents per crate in 1954-55. Sarasota growers had net returns ranging from 67 cents per crate in 1954-55 to a minus 66 cents per crate in 1952-53, with losses in four of the seven seasons—1950-51 through 1956-57.

Sanford celery growers also suffered losses in four of the above seven seasons. Oviedo growers had losses in two and profits in five of these seven seasons. Of the five seasons for which Zellwood data were available (1951-52 through 1953-54, and 1956-57) celery growers showed a loss in three and profits in two.

Labor requirements for producing, harvesting, and marketing celery are substantial. For example, harvesters, commonly referred to as a "mule train" employ from about 18 to 60 persons, according to size and capacity. Costs of harvesting range from \$0.46 to \$0.60 per packed out crate. Harvesting costs based on a Florida Agricultural Experiment Station study of "Costs and Returns from Vegetable Crops in Florida" (Exhibit No. 23), ranged from \$619 to \$822 per acre, with 32 to 40 percent of this amount being paid to labor.

Total growing costs ranged from \$489 to \$770 per acre, with 29 to 31 percent representing production labor costs. Fertilizer costs, within the above figure, ranged from \$98 to \$143 per acre in the 1960-63 period. Similarly, insecticides and spray program ranged from \$54 to \$64 per acre in the same period. Harvesters (mule train) in that period were estimated at \$15,000 to \$18,000 each, and now higher costs are reported.

It is customary for farmers to finance such production and harvesting costs with borrowed capital. Farmers' assets are affected by the returns received from celery, as also are the local and national credit structures related to the production and marketing structure related to this commodity. Labor is directly affected by the marketing conditions associated with Florida celery. Associated industries, such as credit agencies, manufacturers and dealers in fertilizer, insecticide, machinery, packaging, etc., are directly affected by marketing conditions for this commodity.

Growers' motivations for increasing or decreasing celery supplies during any given season or portion thereof are influenced by prices received. Prior to 1961, producers tended to plant more in response to previous years' prices and, when doing so, to increase more during some parts of the season than others. It is a common occurrence among many farmers to so estimate their share of an indefinite or unknown annual supply as to frequently plant in excess of the amount necessary to provide the market with a supply that avoids losses to producers.

The need for stabilizing annual marketings of Florida celery through allotments to producers is attested to and persuasively demonstrated by numerous producer and handler witnesses, with long experience in Florida celery production. They record the effects of unlimited purchases and sales of Florida celery during the decade of the 1950's. Variations in annual supply were accompanied by inverse price variations, with returns during a number of such years being less than production costs. Grower losses in the decade prior to 1961 forced a relatively large proportion of celery growers out of the industry. Some celery growers became insolvent. The orderly

exchange of celery was disrupted and the purchasing power of Florida celery growers was impaired.

A number of witnesses pointed on the hearing record to the economic results of approximately 4 years operation under producer allotments established by the State celery marketing order. They found marketing conditions were improved by annual marketable allotments on which growers could, and did plant within limits deemed reasonable by Industry Committee consensus, later formally approved by the Commissioner of Agriculture, State of Florida. These producers and handlers, some with decades of experience in producing and marketing celery, attested to the manner in which this type of allotment program promoted orderly marketing of the crop by stabilizing supply. Supplies were stabilized by growers planting on more uniform schedules throughout normal seasons than they would in the absence of such a program. Most important the total amount of celery available for marketing, although ample, was better held within limits. However, such program was no guarantee against loss to individual producers, or groups thereof during some portions of the year when supplies temporarily may have become excessive in terms of acceptable grower price levels.

The substantial evidence offered by these experienced producers and handlers is supported by the additional findings that planted and harvested celery acreage, with subsequent production, shows greater stability during the 1961-62-1964-65 seasons than during similar seasonal groupings in the prior decade and a half since the end of World War II.

The need exists for stabilizing annual supplies of Florida celery in the interest of promoting orderly marketing that will tend to establish parity prices for such commodity. Such stability in supplies will assist in promoting consumer interests by providing for gradual correction of such supplies deemed to be in the public interest and feasible in view of the current consumptive demand for Florida celery in domestic and foreign markets.

The need for stabilizing marketing of Florida celery through annual allotments, as accomplished along lines of the marketing program under State authority, exists each season. From record evidence, past experience on producers' reactions to farm prices for celery in previous seasons indicates the obvious statistical probability and the informed opinions of experienced growers show that, in the absence of marketable quantity limitations, marketings will increase substantially. Statistically probable farm price responses to substantial increases in supply would also bring about substantial declines in farm prices, under assumption of otherwise average conditions. Under these circumstances proponents established the probability of supply increases in the forthcoming and later seasons with resulting farm price declines to levels which would cause substantial grower losses. The need was demonstrated by substantial representation of a majority of Florida celery farmers for urgency in develop-

ing a marketing order, with seasonal quantity limitation and producer allotments so that it could be presented to them for referendum, in accordance with applicable statutory requirements, to help promote and protect orderly marketing conditions for the 1965-66 and succeeding crops.

The need for the marketing order, hereinafter set forth, is determined to exist in fact. Further, the terms and provisions of such order are authorized by the act as a means of establishing and maintaining orderly marketing conditions for this commodity.

(3) (a) "Secretary" is defined to identify, within the terms and provisions of the marketing order, the persons or officials who may act in an official capacity thereunder and to expedite its drafting. The definition as published herein is deemed appropriate for such purposes.

"Act" is defined to cite statutory authority for the marketing order and to expedite its drafting.

"Person" is defined, as it is in the act, to assure its meaning in the marketing order. The term person includes an individual, partnership, corporation, association, or any other business unit.

"Celery" is the commonly recognized vegetable sold in markets throughout the United States under this name, which has the botanical name, *apium graveolens*. Both Pascal type and Golden type celery have been and can be grown in Florida. Pascal now predominates, to the exclusion almost of Golden. All varieties of celery grown in Florida, including the above types, constitute a regional classification of this commodity. The definition herein refers to celery grown in Florida, except as the term may be specifically modified in context.

"Production area" means the terms applicable to the locale within which celery grown therein may be made subject to the terms and provisions of the marketing order. The State of Florida is a commonly recognized and customarily accepted area of production and has been for half a century or more. Producing sections have shifted within the State during that time. Some shifts in production have occurred among sections and may occur in the future, as it is also possible to produce celery in other sections of the State. Its boundaries encompass all of the presently commercially feasible producing sections in the Southeastern part of the United States which market during the late fall, winter, or spring seasons. Therefore it is determined that the State of Florida constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

The production area should be defined, therefore, as hereinafter set forth.

"Producer" means any person who grew or grows celery in the production area in a proprietary capacity. The person with the right to sell celery so that handlers may purchase from such person or may handle on such person's behalf is in fact a producer. In share cropping arrangements, such person receiving a share of the crop with authority to pass title thereon is a pro-

ducer of the celery he owns. A renter with full right to dispose of a celery crop by passing clear title is a producer.

The term producer here includes such persons who in prior periods grew celery for market and who passed title to purchasers of such celery. It will include also, those for whom Base Quantities may be established in the future.

"Handler" means any person who, on behalf of a producer or on his own behalf, places celery in the current of commerce within the production area or between the production area and any point outside thereof. Any person so placing celery in interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce becomes a handler under the marketing order. Obligations are placed on such persons for meeting regulatory, assessment, and reporting requirements of the order.

Common or contract carriers transporting celery owned by another person are excluded from this definition for their function is to supply freight or other services on an agency basis for other persons who are handlers.

Handler means, therefore, any person who handles harvested celery.

"Handle" means the act or function, or both, whereby any person places harvested celery in the current of commerce within the production area or between the production area and any point outside thereof.

These acts or functions include the purchase of harvested celery from a producer. Some handlers purchase harvested celery from producers. These marketing activities are commonly recognized as celery handling and they are found to be properly within the definition of handle.

Such acts or functions also include the sale or transportation, or both, of harvested celery on behalf of a producer or, at other times, on his own behalf by either a producer or a handler. The most common and usual methods of marketing Florida celery fall within this general category. A considerable portion, over half, the Florida celery crop is marketed through producer cooperatives which handle harvested celery on behalf of their members. Additional handlers also take over from producers on an agency basis and manage the sale or transportation, or both, of harvested celery for the producer.

A common practice among handlers is to buy harvested celery, already packed and crated, from one another to get particular sizes or quality needed to make up specific orders. This common practice of selling to other local handlers or dealers who distribute loads of mixed fruits and vegetables occurs in the current of commerce that is an integral part of Florida celery marketing. Local dealers often sell some portions of their purchases to truckers distributing within the State and to other truckers distributing outside the State. Although a large proportion of sales between handlers are convenience transactions, to accommodate one another in meeting specific size or other buyer requirements, more than one local sale at shipping point is

made on quite a number of specific lots. Both first and subsequent sales, and hauling in connection therewith are involved in the current of commerce and each transaction should therefore be required to comply with marketing order requirements.

The purchase of harvested celery from a producer by a handler identifies it, brings it into the visible supply on which trading takes place, and such purchase is a marketing transaction in the usual, normal current of commerce in this commodity.

"Handle" also includes the sale of harvested celery by a producer to any person, including any trucker, who may take such celery into the current of commerce. Although the producer-trucker type of transaction is not common in marketing Florida celery, it is essential that these types of transactions should be included within "handle" to assure that all handling of harvested celery conforms to marketing order requirements.

Celery harvesting is usually considered a single, continuous "mule train" operation, involving cutting, washing, packing in crates, and hauling to the cooler. These are commonly regarded as usual grower functions.

Handlers usually take over management of harvested celery at the precoolers where field temperature of celery is reduced to manageable levels for more efficient marketing. At this point in the processes and functions of marketing, handlers usually take over management of marketing processes. Sales are then made, or attempted, and transportation ensues. Sales involve transfer of title and when purchase is made by a handler or a handler sells on behalf of a grower, an act of handling has been performed within the definition. When management is taken over by a handler on behalf of a producer, such person (handler) then is responsible for its effect upon commerce and performs an act of handling.

The purchase or sale of unharvested celery, i.e., celery still standing as a growing crop in the field, is excluded from the definition of handle.

Therefore, any act by any person whereby he purchases harvested celery from a producer, or he sells or transports harvested celery within the production area or between the production area and any point outside thereof, is handling and within the definition of handle.

"Marketing year," "fiscal year," or "season" means the 12 month period from August 1 to the following July 31, inclusive. This division between each market year or season is in line with marketings and comes at a time when one marketing season has been closed out and before another begins. It is an acceptable date for dividing seasons because of marketing facts and long standing custom. Also, it is a logical dividing line between fiscal years, based on the above facts.

"Committee" means the agency authorized by the act, called the Florida Celery Committee and established for local administration of the marketing order.

"Crate" means the commonly recognized container used throughout the industry as a container for shipping celery. It is identified as celery crate No. 3601. It is also used as a common unit of measurement for calculating yields and for marketing, trading, or selling. When crate is used in the marketing order it refers to this unit, or its equivalent, as a unit of measurement.

"Base quantity" means the total number of crates of harvested celery to which a producer's right in the market is attached, as determined in § —37 of the marketing order. It is defined to expedite drafting the marketing order.

"Marketable quantity" means the term applicable to the total amount of harvested celery which is allowed to be marketed by all handlers thereof during any marketing year. The Marketable Quantity is that amount of marketable celery to be determined pursuant to § —36.

"Marketable allotment" means the term applicable to the amount of harvested celery which each producer may market in any manner, including purchases from him by a handler or handled on such producer's behalf by a handler, or handled on his own behalf. The term is used and the amounts thereunder are calculated pursuant to § —38.

"Uniform Percentage" means the term applicable to the ratio or percentage derived for a season by dividing as provided in § —38 the Marketable Quantity for such season by the total Base Quantities. This term facilitates drafting the marketing order and provides a readily understood expression of ratio of allowable marketings to Base Quantities.

(b) The Secretary is authorized under § 8c(7)(C) of the act to establish an administrative agency for effective operation of the order.

Four years ago the Florida celery industry was faced with the problem of determining the most appropriate number and distribution of committee members to effectively carry out a celery marketing order program under State legislation. After thorough consideration they agreed upon the following: five members from Group 1—South Florida District, three members from Group 2—Central Florida District, two members from Group 3—West Coast-North Florida District, two members from Group 4—producers marketing through the second largest volume celery handler, and three members from Group 5—producers marketing through the largest volume celery handler. The industry has found through four years of operation under the State order that this fifteen-member committee is workable, equitable, and representative of producers. Also, it has been adequate to handle the various committee duties and responsibilities satisfactorily. The record shows that the industry desires to utilize this proven committee arrangement.

Thus, provision should be made for a committee of 15 members and representation thereon in accordance with the foregoing groupings.

A procedure for the election of nominees for subsequent membership on the

committee is necessary. It is customary in the Florida celery industry for producers to conduct public meetings in their respective Groups to establish their preference for members and alternates. These nominations provide a practical method of providing the Secretary with names of persons which the industry desires to have serve on the committee.

Since a primary purpose of the act is to raise producers' income, all persons participating in nomination meetings should be persons who have produced celery for market during the current or previous season, whichever is applicable depending upon the timing of the nomination meetings, and who have a Base Quantity so that persons nominated will be representative of their Group and reflect that sentiment in committee decisions. Record evidence shows each committee member and alternate should, at the time of selection and during his term of office, be either a producer or an employee of a producer, a handler or an employee of a handler, in the Group for which selected in order that they have a direct interest in the celery industry. Officers or directors of producing or growing firms for purposes of the marketing order should be considered employees, as in most instances they are part owners or perform duties of employees. Since nominations for committeemen are made only by producers, they can adequately protect their interests.

A producer may qualify to vote in more than one Group. If so, he may select the one Group in which he wishes to participate in electing nominees except if he is a producer in Group 4 or 5 he may participate only in that Group. If a producer in one of these Groups elected to participate in another Group, it could change the relative position of the two largest handlers within the industry, thereby disrupting proceedings and confusing the nominations. In this way each producer would have the same equitable voice in the nomination of committee members.

If this marketing order becomes effective, the time schedule specified for holding nomination meetings will have passed for the 1965-66 season. The marketing order should provide for nominations to the initial committee so the marketing order can commence to function as soon as possible after its issuance for the reasons already given.

The provision whereby nominations could come from any agency or Group, with a report on the time and manner of nominations and the respective grouping of the nominees, is a practical and efficient way to proceed with operations under the marketing order. The present administrative agency under the State order is a logical agency for this purpose. As aforementioned, it is representative of the industry and has proven workable and equitable. The membership of the State agency, as currently composed, meets the same qualifications for membership, composition, and representation as would the committee under the marketing order. Therefore, this agency could and should be au-

thorized to speak for the industry in nominating the initial committee.

Regardless of the number of Groups in which a person produces celery, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and representatives for each position to be filled in his Group. This provision is deemed necessary as an appropriate safeguard for the protection of all producers participating in their respective meetings regardless of the size of an individual's operations.

Since the recommended term of office begins August 1, nomination meetings should be held prior to July 1 and nominations and related information sent to the Secretary by July 1. This will insure sufficient time for him to consider the nominations so that selection can be made prior to the beginning of each term of office.

As an additional safeguard to insure continuity should the Committee be unable to act, if the Committee does not submit nominees to the Secretary by that date, he should have authority to select Committee members and alternates without regard to nominations.

Each person selected by the Secretary should qualify by the positive action of filing with the Secretary a written acceptance of his willingness and intention to serve in his respective position. By doing so the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled.

If, for any reason, a member cannot attend a Committee meeting the order should provide for an alternate to act in the place and stead of the member during the member's temporary absence or in the event of the death, removal, resignation, or disqualification of the member. This will insure that all groups are adequately represented at Committee meetings and that the continuity of operation is not interrupted.

A one-year term seems reasonable and will allow the celery industry to express its approval or disapproval of the Committee membership at the end of a new season and prior to the opening of a new season. So it is recommended that each Committee member and his respective alternate serve a one-year term of office beginning August 1 and ending the following July 31 or until their respective successors are selected and have qualified. August 1 is an appropriate beginning date because it is between the close of the spring season when shipments end and the beginning of shipments again in the fall.

The proponents testified a quorum of at least 12 members should be required for the transaction of business at an assembled meeting. This insures at least 80 percent of the eligible Committee voters being represented. They also felt that a decision of the Committee should require the concurring vote of at least 75 percent of the members and alternates in attendance and entitled to vote in order to reflect a representative and accurate cross section of industry thought and attitudes.

The proponents request authority for a procedure which will assure the proper

and efficient operation of the Committee under any unusual circumstances where if neither the member nor the alternate for a particular Committee position is present the members attending should be empowered to designate by unanimous vote one of the other alternates from the same Group who is present to act in the place of the absent member.

In order to facilitate the transaction of routine, noncontroversial business where it would be expensive and unreasonable to call an assembled meeting at a central location, or in other instances, if rapid action is necessary because of an emergency the committee should be authorized to conduct meetings by telephone, telegraph or any other means of communication. Any votes cast by these methods should be recorded in the minutes of the meeting to provide a written record of how each member or his alternate voted.

The act provides (§ 8c(7)(c)) for the selection by the Secretary of an agency and defines its specific powers. These powers should be delegated to the administrative agency, the Florida Celery Committee, because they are specified in the act for such an administrative agency and they are necessary for it to function properly under the marketing order.

The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the order. It should be recognized that these duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, its specified duties or the marketing order.

The Committee will incur necessary expenses such as travel, meals and hotel accommodations for which they should be reimbursed and the order should provide.

(c) Celery has been marketed from Florida production since the turn of the century. Several basic elements in the structure of the Florida celery industry show variations over a wide range during the past several decades.

Farmers' responses to prices received are significant. Numerous and varied supply and price considerations are related to the marketing of Florida celery. Supply estimates on any given day or period during a marketing season, when related to existing demand, work out to market prices at which the commodity is exchanged. These prices have a direct effect on growers' returns, their income, assets and credit.

Following the relatively attractive farm price for the 1957-58 season (\$3.19 per crate), the following year planted acreage increased 14 percent, harvested acreage increased 17 percent, production of value, i.e. marketings, increased 20 percent, and season average price for 1958-59 dropped over 50 percent to \$1.42 per crate.

The next season 1959-60, farmers responded with a decrease of 14 percent in planted acreage, a 15 percent decline in harvested acreage, but, with larger yields, an increase of 7 percent in marketings, which returned a relatively low season average price of \$1.69 per crate.

Following two years of relatively unattractive farm price, growers responded with another decrease from the previous season, with planted acreage dropping 13 percent, harvested acreage declined 10 percent, but, with yields up again, marketings increased over the year before by 2 percent and farm price continued at the unattractive level of \$1.71 per crate.

The United States Census of Agriculture statistics for Florida counties show 351 farms reporting 1,225 acres of celery in 1920. In 1930, 553 farms reported 5,420 acres, and in 1940, 281 farms reported 6,930 acres. During the World War II years, when farm prices for celery were relatively high, plantings increased. The 1945 agricultural census shows 320 Florida celery farms reporting 10,474 acres. By 1950, celery farms dropped to 165 with 9,589 acres. The post war decline continued, with the 1954 census showing 77 farms reporting 7,604 acres. The 1959 census shows 54 Florida celery farms reporting 13,419 acres in this crop.

By 1961-62 economic mortality among Florida celery growers left only 41 producers who qualified originally for base quantities under the State producer allotment program.

The hearing record shows that during the decade or more prior to adoption of the State marketing order, Florida celery growers met on numerous occasions, discussed and considered their economic plight. From these industry-wide discussions and searches into the causes of their marketing problems, the celery growers developed a marketing program. One important feature of this program was the development of annual allotments, attached to base quantities as related to prior marketings, which would determine the total amount of Florida celery which could be marketed in any season and the portion thereof to which each celery farmer has a right.

Florida celery growers' efforts to promote orderly marketing by establishing annual allotments in each of the past four seasons shows that the stabilization of marketable supplies which followed was accompanied also by more stable farm prices, at levels more attractive to growers, than in the preceding decade.

Florida celery producers, many with decades of experience in marketing their commodity, have found that one of the most effective means of establishing and maintaining orderly marketing conditions for their commodity is to stabilize annual supplies. They also have found from experience that stabilization of annual supplies is one manner of regulation under a marketing order on which a majority consensus is feasible.

A number of knowledgeable, experienced celery producers indicated that, in their judgment, marketable supplies, in the absence of annual allotments, would cause the return of unstable conditions similar to those prior to adoption of the State marketing order, with dire results, such as wide fluctuations in acreage,

slumps in farm prices, increases in grower losses, continuing economic mortality among farmers, and a general disruption of marketing conditions in celery producing sections.

The industry's experience of the past quarter century or more, as shown in the hearing record, indicates these judgments by experienced celery producers are reasonable.

As Florida celery producers have lost authority for continuing annual allotments to producers under the State programs, proponents now support development of an annual allotment to producer type of program under Federal authority, i.e., the act.

Hearing record evidence indicates proponents have pursued appropriate objectives, within the declared policies of the act, and the marketing order terms and provisions they support are within prescribed standards of the act.

Instability of annual supplies for marketing has had direct effect upon prices to celery farmers. Such direct effects disrupt orderly marketing and impair farmers' purchasing power and tend to destroy the value of agricultural assets in the Florida celery industry which support the national credit structure.

The objectives of the marketing order are appropriate and the authorization of annual allotments is a proper means, under the act, for establishing more orderly marketing conditions by stabilizing annual marketable supplies of Florida celery.

In administration of the marketing order, the Committee is given direct responsibility for making recommendations to the Secretary on the number of crates of celery which should be marketed during an ensuing season. To carry out such responsibilities effectively and equitably, and with due regard for the public interest, certain standards of operation and administration are prescribed in the marketing order. Such standards, which are deemed essential in the exercise of Federal authority authorized by the act and by the terms and conditions of the marketing order, relate to all the various elements which prudent, reasonable persons, such as experienced celery farmers, take into consideration in planning and managing their marketings of Florida celery. These standards relate, among other things, to time, season, supplies, demand, levels of consumer income, land, labor, capital, credit, past performance, productive capacity, marketing capabilities, and economic conditions affecting celery producers and the rest of the industry.

Celery farmers usually begin planning their operations for a subsequent season before completion of marketing in a current season. Seed bed requirements are related to prospective plantings, which in turn, are related to prospective marketings. Under annual allotments, producers first look to how much they can market, then plan seed beds and other production needs accordingly. Uncontrollable contingencies, such as weather, are recognized, with experience indicating to producers the prudent margins necessary to cover risks of this type.

Seed bed preparation usually begins in

June. A committee meeting by no later than June 15 to consider marketing policy for the ensuing season should therefore coordinate in time with producers management and planning. The standards for committee consideration, as set forth in the marketing order, are related to economic considerations directly affecting the marketing outlook for Florida celery. They are deemed relative, prudent, reasonable, and adequate for developing industry consensus and a sound basis for committee recommendations.

Celery producers and handlers review their plans and management considerations as the season progresses and as it approaches the opening of the marketing period. Proponents have found from experience such a review of plans is prudent not only for individual producers, but also for an industry committee. The standard of administration which requires the committee to review its recommendations by November 1 of each year is determined to be proper and reasonable and such requirement should be set forth in the terms and conditions of the marketing order.

Although the above-described time schedule will be appropriate for each succeeding season, it must be modified for the first year of operation for the order to be made effective for the crop year 1965-66. Therefore, the order should provide that the marketing policy for the initial 1965-66 marketing season, together with the committee's recommendation as to a Marketable Quantity for that season, should be recommended and acted upon as soon as practicable after the committee has been organized.

As shown in other findings and conclusions set forth in this decision, there is a pressing need for volume control as outlined in this decision and marketing order. Witnesses representing a substantial majority of Florida celery farmers testified, and it is so found, as to the immediate need for such a marketing order to promote and maintain orderly marketing conditions for the 1965-66 season as well as the succeeding seasons. The record also shows that orderly marketing of celery during the past four years has been aided by State regulation which is no longer available. Continuity of appropriate quantity regulations should be provided to establish and maintain such orderly marketing conditions which will help effectuate the declared policies of the act and which affect the national public interest. Unlimited marketings of celery during the 1965-66 marketing season would contribute to a surplus celery situation with resulting low returns to producers contrary to the declared policy of the act. Accordingly, it is desirable and necessary for the marketing order to provide for appropriate and effective regulation in the 1965-66 marketing season as well as subsequent seasons.

As previously found, farm prices of Florida celery react to quantities marketed during any period and such responses tend to vary inversely with amounts offered.

The Florida celery industry has shown by experience that total quantity limitations for a season provide an effective

and an acceptable means of establishing and maintaining a more reasonable balance between supplies and acceptable prices than the industry can maintain without such limitations.

The standards for committee considerations and recommendations on marketing policy for any season, or portion thereof, have been determined to be reasonable. The committee's recommendations, with reasons therefor, based on such standards, will be made available to the Secretary.

In addition, the Secretary will have available other information, such as up-to-date crop, shipping point, terminal, shipments, arrivals, track holdings, unloads, prices, weather, and other related market information to provide guidelines for determining the reasonableness of such recommendations and their prospects for establishing and maintaining orderly marketing conditions as will tend to establish parity prices for Florida celery. Protection of the interest of the consumer, in accordance with requirements of the act, is an additional guideline which the Secretary is obligated to follow.

These standards and guidelines are well known to the industry and to persons to whom authority is delegated by the marketing order. Administration of such marketing order can be accomplished within such standards, which are determined to be reasonable.

It is concluded that the authority of the Secretary, to establish the Marketable Quantity which handlers may handle as first handlers thereof during a season, is proper exercise of authority granted by the act. Further, the terms and conditions of the marketing order, as hereinafter set forth, are an appropriate means of exercising such authority. Such authority to establish such total Marketable Quantity of celery should necessarily include authority to revise a previously established Marketable Quantity.

Whenever the total amount of harvested celery which may be purchased from producers or otherwise handled during any period has been established, by the Secretary, such total quantity must then be apportioned equitably among producers in accordance with methods and standards authorized by the act. It authorizes more than one method of allotting the amount of a commodity which each handler may market. The equitable apportionment among producers of the total Marketable Quantity may be based, under the act, upon the amounts sold by such producers of the commodity in a representative prior period.

The Florida celery industry developed stability of supplies and improved marketing conditions for their crop during the past several seasons under their State marketing order for this commodity. Producers' and handlers' testimony at the hearing gave much credit to their organized program for the resulting stability and improved marketing. Most of these producers were engaged in production and marketing of Florida celery for several years or more. Their attitudes on celery marketing and their judgments on the effects of organized efforts

reflect marketing conditions both preceding their State marketing order and during its operation. It is found from the record that apportionment of each producer's equity in the total Marketable Allotment on the basis of each such person's sales of celery in a prior period was an important feature in helping to bring about stability in supplies and in marketing conditions.

The considerations involved in determining a producer's Base Quantity are particularly important both to the individual producer and to all other producers. Vagaries of weather and difficult management problems may and often do result in growers selling less celery in some years than in others from approximately the same production setup. These variations may affect some growers more than others in a particular season. Proponents testified that it was in the best interest of all producers, and it was the best method of promoting and preserving equitable apportionment among them, to provide for choice of the highest production during alternative portions of the representative period.

The plan was supported as both simple and practical. By granting a producer who had produced the past four seasons the highest production during these years, such producer would thereby obtain his most advantageous position during the period of stable operations. By allowing an alternative, the granting of Base Quantities on the average of the two best out of the seven years, growers who may have operated in the earlier period rather than later also would be given the most advantageous position in relation to other producers. The data for such producers are generally available and examples of the relative positions among producers which would thereby result were presented in evidence. From these facts it is found that the alternatives allowed are both practical and reasonable.

Record evidence shows, sales by all known producers for each of the past seven seasons constituting the representative period. The grower list on which this is based represents extensive, thorough efforts by the State marketing order personnel to obtain full and complete records during the several years of State program operations and for the earlier base period used for that program. Officials for the State program attested the list as the most complete that could be made under the favorable circumstances of concerted efforts by administrative personnel and attractive reasons for interested producers to make their records available. Although two or three persons may have produced celery during this representative period who have not responded to inquiries or invitations to submit data, they would represent at most only a fraction of a percent of Base Quantities. Also, evidence shows that any such persons have not sold celery during the past four seasons and there is no evidence that they are known to be celery producers.

A preponderant majority of Florida celery producers and handlers, as shown by hearing record evidence, subscribes to the method that producers' sales in a

prior representative period is the most equitable basis for apportionment of the total quantity of celery which may be purchased from or handled on behalf of any or all such producers. Their position on the most appropriate method for allotting the amount of celery which each handler may purchase from or handle on behalf of any or all producers thereof is the result of a number of years' considerations, discussions, and settled judgments by these men whose livelihood is tied in directly and intimately with marketing the crop and the industry's welfare.

The same method in principle was used under the State marketing program for apportioning producer and handler equities in the total Marketable Quantity for each of the past four seasons. This method of establishing a uniform rule for the amounts sold by such producers in a prior period as set forth in the marketing order is determined to be acceptable, reasonable, and within authorization of the act.

The act also authorizes allotments to handlers on the basis of the amounts sold by producers thereof during a prior representative period or upon the current quantities available for sale by producers, or by both standards. Either or both standards may be used under the terms and provisions of the marketing order for establishing rules for a reserve and distribution of such reserve for adjustment of existing Base Quantities or for new Base Quantities.

A Base Quantity establishes a producer's basis for apportionment to him of his share in the Marketable Quantity for a season. Some producers may wish to transfer Base Quantities. If land, equipment, or other factors involved in producing celery for market may be shifted by loan, sale, bequest, or in any other manner, provisions are essential in the terms and provisions of the marketing order for transferring Base Quantities along the same general lines. In the same category, if any person has a Base Quantity, but does not use his equitable apportionment of the Marketable Quantity for one or more seasons, when other present or potential producers for market wish to and are capable of doing so, their Base Quantity should be reviewed with a view to determining that, in consideration of equity to all producers, such Base Quantity is no longer valid due to lack of use. Upon consideration of pertinent factors affecting equitable considerations to all producers, such unused Base Quantities may be canceled.

The record also shows that there may be producers presently operating who have no history of production or sales in the base period or who may have made firm commitments for additional production since the close of the base period thus making their base history not reasonably representative of current operations. It is concluded that, as a matter of equity, provision should be made for the assignment or adjustment of Base Quantities to persons who, prior to the issuance of the recommended decision herein, had made firm commitments of a substantial nature, including actual transplanting of celery, to recognize such

equities. It would, however, be inequitable and inappropriate to recognize any further expansion made after the date of such decision. To do so would encourage expansion and production of additional surplus solely because of the imminence of this regulatory program, contrary to the objectives of the order and the policy of the act. Accordingly, provisions should be made in the order for the establishment or adjustment of bases in such circumstances, in accordance with rules and regulations to be issued as soon as practicable. Such rules should recognize factors pertinent to the establishment or adjustment of equitable Base Quantities for persons so situated, including quantities of celery actually in the field at the date of this recommended decision, the possible marketable yield thereof, and other standards relating to land, operating capital, equipment, labor, management ability, sales outlets, and other criteria which experienced, reasonable celery producers would follow in setting up their plans for production, limited, however, to reflect firm and substantial commitments for actual celery production as of the date of the recommended decision.

It is further determined to be reasonable and essential to administration of the marketing order to provide for a Base Quantity reserve as a policy matter to help take care of necessary adjustments among existing producers or to establish new Base Quantities.

Producers who may have uneconomic production units or, who by reason of special circumstances have been adversely affected in their past marketing operations, may not have an equitable apportionment of the Marketable Quantity. The hearing record supports inclusion of this equitable provision. It is determined to be a proper method for establishing equitable apportionment of Base Quantities for new producers and of adjustments in existing Base Quantities. It is also determined to be reasonable and essential to administration of the marketing order. The reserve may be made up of unused or canceled Base Quantities, of deductions from all Base Quantities, or of additions thereto based upon demand conditions. If demand for celery should increase sufficiently in later seasons so that current producers then were unable to produce adequate celery to meet recommended Marketable Quantities without excessive increases in Marketable Allotments above Base Quantities, the rules should provide for consideration of apportionment of such Marketable Allotments among new producers.

The standards and guidelines set forth in the marketing order for obtaining, retaining, and transferring of Base Quantities and Marketing Allotments, and for administration of the Base Quantity reserve were covered in depth at the hearing. Open informal hearings by the committee would help insure equitable treatment both for an applicant and for other producers. The factors enumerated in the terms of the marketing order are directly related to each producer's capacity to produce celery for market. On the evidence

thereon, such standards are determined to be proper and adequate for administration of the marketing order.

The requirement that the committee should notify each applicant for a Base Quantity, or adjustment therein of its determinations thereon is reasonable and proper for marketing order administration. The review of committee determinations by the Secretary is essential to assure protection of rights of individual producers, the interest of the consumer, and the public interest.

Administrative procedures and standards for establishing volume operations in any seasons under the marketing order are (1) committee recommendations for and establishment by the Secretary of the total Marketable Quantity of celery; (2) determination of a Base Quantity for each producer and of total Base Quantities for all producers; (3) computation of a Uniform Percentage which the Marketable Quantity is of total Base Quantities, and (4) application of such Uniform Percentage to each producer's Base Quantity to determine in crates his Marketable Allotment for the season.

Administration of the marketing order is facilitated by computation of the Uniform Percentage. This provides a readily available and easily understood expression of the ratio of total Marketable Allotment to total Base Quantities. Each producer thereby has a ratio or percentage figure for use in planning his production for market. Each producer's Marketable Allotment becomes readily ascertainable by multiplying his Base Quantity by the Uniform Percentage, the resulting number of crates thereby becomes his Marketable Allotment.

Each producer's celery marketings may then be apportioned within his Marketable Allotment by limiting for the season the first handling of his celery to such an amount. Each producer is thereby provided with an equitable apportionment of the Marketable Quantity under a uniform rule.

The method determined appropriate for establishing each producer's equitable apportionment of total allotments is through each such producer's Marketable Allotment.

A base quantity of 37,500 crates is considered to be a practical minimum for developing or maintaining an acceptable farming unit in this commodity. As an equitable consideration for relatively small producers, those persons with Base Quantities of 37,500 crates or less are to be exempted from calculations of the Uniform Percentage. This provision not only meets with approval of the larger growers (those with more than this amount), but also it is actively supported by them. They consider it is an appropriate, equitable consideration for smaller growers. The terms and provisions of the marketing order providing for the exception of Base Quantities of 37,500 crates or less in calculation of Uniform Percentages, and the establishment in the order that Uniform Percentages for such small growers may not be less than 100 percent during any season are found to be reasonable and

equitable in administration of the marketing order.

Each handler is responsible for putting celery in channels of commerce within the production area or between the production area and any point outside thereof. The responsibility for and burden of compliance is on handlers.

The requirement that no handler may first handle harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity provides an appropriate, an administratively feasible, and an effective method for allotting the amount of celery which each handler may purchase from or handle on behalf of any or all producers thereof.

To assist in the administration and effective enforcement of the marketing order each producer who is given a Marketable Allotment must determine which handler or handlers will handle all or portions of his marketable celery. The requirement that each such producer shall notify the committee of the handler or handlers who will handle it for him and that the committee advise such handlers of the applicable quantities involved is found from hearing record evidence to be both a necessary and a reasonable administrative requirement.

In the same manner, the administrative requirement is both reasonable and necessary that no handler may handle any harvested celery unless (in addition to it being within a Marketable Allotment of a producer) the producer thereof authorized the first handler to purchase it or handle it on his behalf. Only through such evidence and identification of harvested celery could the committee determine if the handling of the commodity is in compliance with regulatory requirements.

If and when marketing conditions arise which make it appropriate that the Marketable Quantity should have no limitations, it is determined fit and proper that each producer's Marketable Allotment should also be without limitations.

(d) In order to properly carry out its duties under the order, the committee must necessarily have some outlays such as expenses for postage, office rent, professional and clerical help.

The act specifically authorizes the Secretary to approve the incurring of such expenses by the committee and also requires that the order contains provisions requiring handlers to pay their pro rata shares of the necessary expenses because they are the ones being regulated. It is necessary that responsibility for the payment of the assessment on each lot of celery be fixed and since it is not uncommon in Florida for several handlers to be involved in the shipment of a single load of harvested celery it is logical to impose such liability on the first handler to avoid multiple assessments on a lot of celery and so that there will be no doubt as to who must pay the assessment. A first handler for this purpose should be the one who first performs a handling function with respect to a particular quantity of harvested celery. In practice, it would apply to the handler who makes the first sale of

harvested celery or loads celery on board a vehicle for transportation placing it in the current of commerce. It also includes the producer who performs the function of a handler. In order to assure continuance of the committee and its functions, this payment of assessments should be permitted to be required irrespective of whether particular provisions of the order are suspended or become inoperative.

Assessment rates for a fiscal period should be recommended by the Committee and applied on a uniform basis by the Secretary to a specific shipping unit such as a crate.

The Committee, in order to operate in an efficient, prudent and businesslike manner, needs to anticipate reasonably necessary expenses. They must then estimate the total assessable shipments for that fiscal period. From this the assessment rate can be figured so that each handler is paying his fair share and there is enough income to cover necessary expenses. They should prepare this budget at the beginning of each fiscal period and present it to the Secretary with an analysis and explanation of its components.

Common and prudent business practices call for maintenance of books and records clearly reflecting true up-to-date operations, so that Committee administration might be subject to inspection by appropriate parties during regular hours of business.

Good business management dictates providing for unforeseen contingencies. A severe freeze or other factors affecting production might result in total or partial crop failure and greatly reduced revenue during a fiscal period. It will be appropriate that funds remaining at the end of a fiscal period be carried over into subsequent fiscal periods as a reserve. Such a reserve would be used to pay liquidation expenses in the event the order was terminated. It might also be used at the beginning of a fiscal period to meet the need for operating funds when there will be little, if any, revenues from assessments. This reserve should be limited to no more than the budgeted expenses of the Committee for one fiscal year. Any additional funds should be credited to contributing handlers respectively against the operations for the following fiscal period, unless payment is demanded, in which event proportionate refunds should be paid. Any funds remaining after liquidation should be refunded to handlers on a pro rata basis.

(a) The committee should have information and data necessary for calculating Base Quantities, Marketable Quantity, Marketable Allotments, modifications thereof, and for checking on compliance with regulations by producers and handlers. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have authority, with approval of the Secretary, to obtain such reports and information from producers and handlers as necessary to enable it to exercise its powers and perform its duties. Such information may include, but not be limited to, that requested on reports

included in Exhibit 25, which the producers and handlers are now customarily submitting under the State order. For these reasons reports requested by the committee should be submitted in such manner and at such times as it may designate. Such reporting procedures should accord with the needs and requirements of the committee because changing conditions may warrant revision in the forms, methods of reporting and timing of such reports.

Harvested celery may be marketed in crates or in cartons. It is common practice to market celery hearts in cartons or in other acceptable containers. Celery hearts, as the name implies, refers to celery stalks from which the outer limbs have been stripped leaving the inner center limbs or hearts. Reports on sales of celery under Marketable Allotments have been reported in terms of standard crates, or in crates of hearts, or in cartons. Standard conversion factors are used by the industry to convert reports of sales of these units to standard crates. Similar methods of reporting should be provided for in the terms and provisions of the marketing order.

Since it is possible that questions may arise with respect to compliance with the order, each handler and producer should maintain complete records of his celery transactions for a period of not less than one year after the end of that marketing season.

Also provisions should be made to permit audits by the Secretary or Committee management of each handler's and producer's pertinent records during reasonable business hours to resolve questions of program compliance, and to determine the accuracy of reports submitted.

To protect each handler or producer against disclosure or confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that any reports containing such information shall be treated as confidential, held under appropriate protective custody and disclosed to no person other than the Secretary. Reports on such data may be compiled as long as they do not disclose an individual handler's or producer's operations.

(f) The provisions of § ----.50 through § ----.63, as published in the FEDERAL REGISTER of July 9, 1965 (30 F.R. 8687), are common to marketing agreements and orders now operating. Such sections set forth certain rights, obligations, privileges or procedures which are necessary and appropriate for the effective operation of the order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the order and the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing order.

Rulings on briefs of interested parties. At the conclusion of the hearing the Presiding Officer fixed midnight of September 5, 1965, as the deadline for interested parties to file briefs with respect to the evidence adduced at the hearing

and the findings and conclusions to be drawn therefrom.

Briefs were filed by the following: M. W. Wells on behalf of Florida Fresh Produce Exchange; and Joseph C. Jacobs and Kenneth M. Leffler on behalf of R. E. Watson, Lauren R. Johnson, Jack Taylor, Daniel Debruyne and Harold H. Kastner.

Every point in the briefs was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of facts found and stated in connection with this recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of celery grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of celery grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of celery grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order¹ are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ ----.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ ----.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted

¹ §§ ----.61----.63 apply only to the proposed marketing agreement and not to the proposed order.

and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, as amended, 7 U.S.C. 601-674).

§ ----.3 Person.

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

§ ----.4 Celery.

"Celery" means all varieties and types of celery, *apium graveolens*, grown in the production area.

§ ----.5 Production area.

"Production area" means all territory in the State of Florida.

§ ----.6 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of celery.

§ ----.7 Handler.

"Handler" means any person (except a common or contract carrier of celery owned by another person) who handles harvested celery on behalf of a producer or on his own behalf.

§ ----.8 Handle.

"Handle" means to purchase harvested celery from a producer or to sell or transport harvested celery within the production area or between the production area and any point outside thereof.

§ ----.9 Marketing year, fiscal year or season.

"Marketing year," "fiscal year" or "season" means the 12 months from August 1 to the following July 31 inclusive, or such other period which the committee, with the approval of the Secretary, may establish.

§ ----.10 Committee.

"Committee" means the Florida Celery Committee established pursuant to § ----.25 of this part.

§ ----.11 Crate.

"Crate" means celery crate No. 3601 or its equivalent.

§ ----.12 Base Quantity.

"Base Quantity" means the number of crates of harvested celery determined by the committee pursuant to § ----.37 for a producer.

§ ----.13 Marketable Quantity.

"Marketable Quantity" means the total amount of celery which should be handled in a current season.

§ ----.14 Marketable Allotment.

"Marketable Allotment" means with respect to each producer the amount of harvested celery which may be purchased from, or handled on behalf of, such producer.

§ ----.15 Uniform Percentage.

"Uniform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities as provided in § ----.38.

FLORIDA CELERY COMMITTEE

§ ----.25 Establishment and membership.

A Florida Celery Committee consisting of 15 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part.

§ ----.26 Eligibility.

Each member and alternate of the committee shall be, at the time of his selection and during his term of office, a producer, or an employee of a producer, a handler, or an employee of a handler, in the group for which selected.

§ ----.27 Nominations.

Nominations for committee members and alternates may be made in the following manner:

(a) Growers in each Group, as provided in paragraph (d) of this section, may nominate persons for each member and alternate position in their respective group.

(b) (1) Nominations for the initial committee may be presented to the Secretary by any agency or group. Such nominations shall be accompanied by information on the manner and time of nominations, and the respective group from which each nominee is to be selected.

(2) For succeeding committees, a meeting of producers shall be held in the production area to nominate members and alternates to the committee. The incumbent committee shall hold such meeting or cause it to be held prior to July 1 of each year. Nominations thereat shall be certified to by the committee and submitted to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary. If such nominations are not made in the manner specified by July 1, the Secretary may select representatives for such positions without nominations.

(c) At each such meeting, the eligibility of each producer, and each handler shall be recorded for purposes of determining participation in respective groupings.

(d) Five groups shall be established from which nominations and committee selections shall be made, as follows:

Group 1—South Florida District: Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach Counties—five (5) members and their alternates.

Group 2—Central Florida District: Orange, Seminole, Lake, Polk, Osceola, Brevard, and Volusia Counties—three (3) members and their alternates.

Group 3—West Coast-North Florida District: All the counties not embraced in Groups 1 and 2—two (2) members and their alternates.

Group 4—The producer or producers whose celery was handled by the handler who handled in the previous or current season, whichever is applicable, the second largest volume of celery—two (2) members and their alternates.

Group 5—The producer or producers whose celery was handled by the handler who handled in the previous or current season, which-

ever is applicable, the largest volume of celery—three (3) members and their alternates.

(e) Each producer is entitled to cast only one vote for each position in the Group wherein he produced celery for market in the current season and possesses a base quantity. If a producer has so qualified in more than one Group, he may elect the Group in which he shall vote but he can vote for nominees in only one Group. Any producer in Group 4 or Group 5 shall not be entitled to vote for nominees in other Groups.

§ ----.28 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ ----.29 Procedure.

(a) At an assembled meeting all votes shall be cast in person and twelve (12) members (including alternates acting for absent members) of the committee shall constitute a quorum. Decision of the committee shall require the concurring vote of at least 75 percent of the members and alternates in attendance and entitled to vote.

(b) If both a member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate present from the same group to serve in the place of the member.

(c) The committee may provide for meeting by telephone, telegraph, or any other means of communication. All votes shall be recorded in the minutes of each meeting so as to reflect how each member or alternate voted.

§ ----.30 Powers.

The committee shall have the following powers:

(a) To administer this sub-part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this sub-part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this sub-part.

§ ----.31 Duties.

The committees shall have, among others, the following duties:

(a) To select from among its members and alternates such officers and subcommittees, and to adopt such rules or by-laws for the conduct of its business as it deems necessary;

(b) To employ necessary personnel, including professional and technical services, fix their compensation and terms of employment;

(c) To keep minutes, books and records which will reflect all the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(d) To prepare periodic statements of the financial operations of the committee.

tee and to make copies of each such statement available to producers and handlers for examination at the offices of the committee;

(e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request; to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(f) To act as intermediary between the Secretary and any producer or handler;

(g) To investigate and assemble data on the growing, handling, and marketing conditions with respect to celery;

(h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(j) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members;

(k) To investigate compliance and use means available to prevent violations of the provisions of this part; and

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 32 Selection and term of office.

(a) *Selection.* The committee shall be selected by the Secretary from nominees submitted by the committee, or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of each committee member and alternate shall be for a period of one year beginning August 1 and ending the following July 31. Committee members and alternates shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 33 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee member or alternate shall be recognized by the committee by certifying to the Secretary a successor for the unexpired term unless a selection is deemed unnecessary by the Secretary.

§ 34 Expenses.

Members and alternates of the committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in attending committee and subcommittee meetings and in the performance of their duties under this part.

VOLUME LIMITATIONS

§ 35 Marketing policy.

(a) As soon as practical, but no later than June 15 of each year, the committee shall meet, consider, and adopt a marketing policy for the ensuing marketing season. Committee considerations shall include probable celery acreage, celery production within the production area and in competing areas, the quantity of celery which should be made available for market during the ensuing season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations, the committee may recommend to the Secretary a Marketable Quantity for the ensuing season.

(b) Prior to November 1 of each year, the committee shall review the marketing policy and as changes are indicated, the committee may recommend appropriate revisions in the Marketable Quantity. Notice of the initial marketing policy for a marketing season and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

(c) For the season in which this marketing order becomes effective, the marketing policy may be adopted and the Marketable Quantity may be recommended for the current season as soon as practical after the organization of the committee.

§ 36 Marketable Quantity.

(a) Whenever the committee recommends and the Secretary finds on the basis of such recommendations or other information, that limiting the total quantity of celery to be handled during a marketing season, or revising a Marketable Quantity previously established, would tend to effectuate the declared policy of the act, he shall establish the Marketable Quantity which handlers may handle as first handlers for such season, or revise a previously established Marketable Quantity.

(b) When a Marketable Quantity is established for any season, no handler may handle any harvested celery during such season unless (1) it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 38, and (2) such producer authorized the first handler thereof to purchase or otherwise handle it.

§ 37 Base Quantities.

(a) Upon the request of the committee, after the effective date of this marketing order, each producer of celery shall register with the committee and furnish to it a report of the number of crates of harvested celery sold by him or on his behalf, broken down by crates, handlers and seasons for the seven (7) seasons, 1958-59 through 1964-65.

(b) A Base Quantity for each registered producer shall be determined by selecting (1) the greatest number of crates of harvested celery sold by him or on his behalf during one of the four seasons, 1961-62 through 1964-65, or (2) the average of the greatest number of crates of celery sold by him or on his

behalf during any two of the seven seasons, 1958-59 through 1964-65. A Base Quantity shall be issued by the committee denoting this amount. In the case of producers who prior to September 30, 1965, had made firm and substantial commitments for the production of celery and were actually engaged in the production thereof but who have no Base Quantities as determined on base period sales or whose Base Quantities based on such sales clearly are not representative of such commitments, the committee shall, by rules approved by the Secretary, provide for the assignment or adjustment of Base Quantities to such producers consistent with such commitments and as will be equitable to all producers.

(c) The committee may recommend rules pertaining to producers who wish to obtain, hold, or transfer Base Quantities or Marketable Allotments. Such rules shall be subject to approval of the Secretary and may require producers to file reports and information with respect thereto, including but not limited to quantities marketed in the representative period, their qualifications as producers, as well as particulars on sale and handling of celery as a result of any Base Quantities or Marketable Allotments that may be issued to them.

(d) (1) Each marketing season the committee, with approval of the Secretary, may set aside a reserve for persons who request an increase in their Base Quantities or who have no Base Quantity.

(2) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent by the committee.

(3) Each person filing an application hereunder for adjustment in or a new Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 38(c) shall then apply.

§ 38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers. The result shall be the Uniform Percentage for any given season unless changed by a revised Marketable Quantity.

(b) The Marketable Allotment for each producer shall be established by the

committee by multiplying his Base Quantity by the appropriate Uniform Percentage. The resulting amount shall be his Marketable Allotment for a season. The committee shall notify each producer of his allotment.

(c) After a producer has been notified of his Marketable Allotment, he shall, in turn, notify the committee, on forms furnished by it, the handler or handlers who will first handle all or a portion of his Marketable Allotment for the ensuing season, as well as the number of crates each such handler will so handle. This information shall be sent by the committee to the respective handlers.

(d) If the committee recommends and the Secretary approves, that no season's Marketable Quantity be established, the Marketable Allotment of each producer shall be unlimited.

(e) The Base Quantities of all producers whose Base Quantities are 37,500 crates or less shall be eliminated from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 41.38(a)). The Uniform Percentage for such producers will always be 100 percent except when the Uniform Percentage calculated in this section (§ 41.38(a)) exceeds 100 percent in which event the higher percent shall be used.

§ 41.39 Transfers.

(a) Producers' Base Quantities or Marketable Allotments, or both, may be transferred upon appropriate requests therefor, pursuant to § 41.37 and upon approval of the committee.

(b) Any producer with a Base Quantity may request a transfer of all or a portion of his Base Quantity for a specified period of time.

(c) Any producer with a Marketable Allotment may request a transfer of all or a portion of his Marketable Allotment during a current season.

(d) Producers must advise the committee, prior to final approval of a transfer, that a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (c) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount they may handle as first handlers thereof for the current season, based upon the number of crates involved in the transfer, as well as issue revised Marketable Allotments to the producers involved.

EXPENSES AND ASSESSMENTS

§ 41.40 Expenses.

The Committee may incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning, and for such other purposes as the Secretary determines appropriate under this part. To assist the Secretary, the Committee shall submit a budget of expenses and prospective revenue to him for each season, with explanations therefor, and recommendations as to the rate of assessment for such fiscal year.

§ 41.41 Assessments and requirements for payment.

Each first handler shall pay to the Committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per unit fixed by the Secretary times the total assessable units of celery which he handles. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses and assessments for the maintenance and functioning of the Committee may be required during periods when no regulations are in effect.

§ 41.42 Accounting.

At the end of a fiscal year, funds in excess of such year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 41.40. Funds in excess of those necessary to pay expenses and those placed in the operating reserve shall be refunded pro rata to handlers from whom such funds were collected.

REPORTS AND RECORDS

§ 41.45 Reports.

Upon request of the committee, with the approval of the Secretary, each producer and handler shall furnish to the committee such reports and information as may be necessary to enable it to exercise its powers and perform its duties under this part. Such reports may include, but are not necessarily limited to the following:

(a) Reports by any or all handlers on the number of crates of harvested celery purchased from or handled on behalf of any or all producers during any prior or current season;

(b) Reports by any or all producers on the number of crates of harvested celery sold by such producers during any prior or current season or the current quantities available for sale by such producers;

(c) Reports by any or all producers on the number of crates of harvested celery sold to or through any or all handlers during any prior or current period.

§ 41.46 Records.

Each producer and handler shall maintain and make available upon request, such records pertaining to celery handled by him as will substantiate the reports required by the committee. All such records shall be maintained for not less than one year after the termination of the marketing season to which such records relate.

§ 41.47 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports of producers and handlers, the Secretary and the committee,

through its duly authorized employees, shall have access to any premises where applicable records are maintained, where celery is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

§ 41.48 Confidential information.

All reports, data, or information obtained by the committee constituting a trade secret or disclosing the trade position, financial condition, or business operations of particular producers or handlers shall be kept in the custody and under the control of one or more committee employees and shall be treated as confidential. Compilations of general reports from data submitted by producers or handlers are authorized, subject to prohibition of disclosure of individual producers' or handlers' identities or operations.

MISCELLANEOUS PROVISIONS

§ 41.50 Compliance.

No person may handle celery except in conformity with the provisions of this part.

§ 41.51 Right of the Secretary.

The members and alternates of the committee and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 41.52 Derogation.

Nothing in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 41.53 Agents.

The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 41.54 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 41.55.

§ 41.55 Termination.

(a) The Secretary may at any time terminate the provisions of this part by

giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of celery for market; provided, that such majority have, during such period produced for market more than 50 percent of the volume of such celery produced for market, but such termination shall be effective only if announced on or before August 1 of the then current fiscal year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 929.56 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same Committee, of all the funds and property then in possession of, or under control of such Committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the Committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 929.41 over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 929.57 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any

amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 929.58 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler, or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent except for acts of dishonesty.

§ 929.59 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 929.60 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 929.61 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 929.62 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 929.63 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of celery in the same manner as is provided for in this agreement.

Dated: September 27, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-10429; Filed, Sept. 29, 1965; 8:48 a.m.]

[7 CFR Part 929]

CRANBERRIES

Expenses, Rate of Assessment, Carry-over of Unexpended Funds, and Handler Reports

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture find that the expenses to be incurred by said committee, in accordance with this part, during the fiscal period beginning August 1, 1965, and ending July 31, 1966, will amount to \$8,010.

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each handler in accordance with § 929.41, at one cent (\$0.01) per barrel, or equivalent quantity, of cranberries;

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended July 31, 1965, be carried over as a reserve in accordance with § 929.42; and

(4) That reports be submitted to the committee by each handler showing the total quantity of cranberries he has acquired, the total quantity of cranberries he has handled, and the total quantity of cranberries and cranberry products, respectively, he has on hand. The reports would be rendered on a quarterly basis as follows: November 1, 1965; February 1, 1966; May 1, 1966; and August 1, 1966. Each report would cover the three month period preceding the applicable specified date and would be filed with the committee not later than the 10th day of the first month following such period.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at

the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 27, 1965.

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

[P.R. Doc. 65-10396; Filed, Sept. 29, 1965; 8:45 a.m.]

[7 CFR Part 1048]

[Docket No. AO-325-A4]

MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Greater Youngstown-Warren marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the *FEDERAL REGISTER*. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Youngstown, Ohio, on July 21, 1965, pursuant to notice thereof which was issued July 8, 1965 (30 P.R. 3856).

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

1. Pooling requirements for distributing plants; and
- (2) The Class II price.

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. Pooling requirements for distributing plants. The order should provide that in computing the percentage used to determine pool plant qualifications of distributing plants the receipts from supply plants should not be included during the months of April through July. Presently the receipts from supply plants are included each month in determining distributing plants pooling qualifications.

Producers claim this change is necessary to enable a distributing plant, which

handles the excess milk of supply plants during the April-July period, to maintain its pool plant status. Each year since the Greater Youngstown-Warren order has been in effect, the requirement that receipts from supply plants be included in the percentage used to determine pool plant qualifications has been suspended during the flush production months.

A distributing plant located within the marketing area serves as an outlet for the market's excess supplies. During the flush production months each year the plants' pooling status has been in jeopardy because the receipts of surplus milk from other plants become considerably greater than normal causing the plant's utilization to fall near or below the 50 percent Class I required for pool status. This plant performs a significant service for the market by providing an outlet for the reserve milk supplies from other plants. The order change herein proposed will facilitate the continuation of this service for the market and thereby contribute to the maintenance of market stability.

2. The Class II price. The Class II price should be the average price per hundredweight paid for manufacturing grade milk in Minnesota-Wisconsin, adjusted to a 3.5 percent butterfat test, but not to exceed the price resulting from a butter-nonfat dry milk formula plus 10 cents. For the year ending June 30, 1965, this would have obtained an average Class II price of \$3.17; the actual Class II price under the order in the same twelve months averaged \$3.15.

In determining Class I prices, 68 of the 75 Federal orders now in effect use the average price received by farmers for milk of manufacturing grade in Minnesota and Wisconsin. Of these 68 orders, 30 also use this price series as a factor in determining the monthly manufacturing class prices.

The Class II price in the Greater Youngstown-Warren order is now the higher of (1) a formula price based on the market prices of butter and nonfat dry milk, and (2) the average reported paying prices of a limited number of milk manufacturing plants in Wisconsin and Michigan (Midwest condensery price). In the 30 months from January 1963 through June 1965 the butter-nonfat dry milk formula was the Class II price in 10 months and the Midwest condensery price was the Class II price in the remaining 20 months.

The Midwest condensery price is not now as representative a price of manufacturing grade milk as it was when first incorporated into the order. Originally, the Midwest condensery price was based on the reported paying prices of 18 plants in Wisconsin and Michigan. The number of such plants has now dwindled to six and these are operated by four firms. Because of the relatively few plants now included in the Midwest condensery series, it would not be practicable to continue to rely on this series as an accurate measure of manufacturing milk values.

Producers proposed that prices paid at manufacturing plants in Minnesota and Wisconsin be used in establishing Class II prices, but that this price be

limited to no more than 10 cents over a butter-nonfat dry milk price formula. This formula is used for the same purpose in a number of Federal orders, including the nearby Northeastern Ohio and Columbus orders. Utilizing it in the Greater Youngstown-Warren order will tend to insure a Class II price level consistent with that prevailing in the area.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The Class II price provisions recommended herein will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets.

The average of the prices paid farmers in the various States for manufacturing grade milk, as reported by the Statistical Reporting Service, United States Department of Agriculture, is at the weighted averaged butterfat test of such milk. Since the class prices of the orders are based on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin price be adjusted to this basis. Official notice is here taken of the amendment to the Chicago order which became effective September 1, 1961 (26 P.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5 percent butterfat basis by a differential equal to the Chicago butter price for the month times 0.12. This factor is an appropriate and representative value of butterfat in the area covered by the Greater Youngstown-Warren order and should likewise be used in this order for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent basis.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of

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

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

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

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

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Greater Youngstown-Warren marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1048.12(a) (1) is revised to read as follows:

§ 1048.12 Pool plant.

(a) * * *

(1) From which during the month not less than 50 percent of total receipts of approved milk from dairy farmers, supply plants, and handlers pursuant to § 1048.8(c) is distributed as Class I milk on routes and from which not less than 10 percent of such Class I distribution is in the marketing area on routes: *Provided*, That during the months of April, May, June and July the receipts of approved milk from supply plants shall not be included in the total receipts of approved milk at a distributing plant for the purpose of this subparagraph; or

2. Section 1048.50 is revised to read as follows:

§ 1048.50 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 Department 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) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

3. Section 1048.51(b) is revised to read as follows:

§ 1048.51 Class prices.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

Signed at Washington, D.C., on September 24, 1965.

S. R. SMITH,
Administrator.

[F.R. Doc. 65-10397; Filed, Sept. 29, 1965; 8:45 a.m.]

[7 CFR Parts 1061, 1064]

[Docket Nos. AO 327-A8, AO 23-A28]

MILK IN ST. JOSEPH, MISSOURI, AND GREATER KANSAS CITY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Aladdin Hotel, 1213 Wyandotte Street, Kansas, City, Mo., beginning at 10 a.m., local time, on November 2, 1965, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are ap-

plied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

A proposal to combine under one order the Greater Kansas City and St. Joseph, Mo., marketing areas along with additional territory contemplates termination of the St. Joseph Order No. 61 with a merger of the administrative and marketing service funds. This proposal also raises the issue of whether the present provisions of either the Greater Kansas City or St. Joseph orders, if amended in accordance with the proposals listed below, would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of either of the orders would be appropriate.

The proposal to merge two orders which contain different Class I pricing provisions and the proposal to modify the location adjustment provisions of the Greater Kansas City order raise the issue of what modification of the Class I pricing provisions would be necessary to reflect an appropriate Class I price level in the marketing area as proposed to be redefined.

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

Proposed by Pure Milk Producers Association, St. Joseph Milk Producers Association, Nemaha Cooperative Creamery Association, Shawnee Milk Producers Association, Producers Creamery Co., Sunflower Dairy, Inc., and Milk Producers Marketing Co.:

Proposal No. 1.

DEFINITIONS

§ 1064.1 Act.

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

§ 1064.2 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.

§ 1064.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1064.4 Person.

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

§ 1064.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers as defined in § 1064.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 1064.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area" hereinafter called "marketing area" means all the territory within the boundaries of the counties listed below, including territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions or other similar establishments:

Kansas City zone—Andrew, Atchison, Bates, Buchanan, Cass, Clay, Clinton, Daviess, De Kalb, Gentry, Henry, Holt, Jackson, Johnson, Lafayette, Nodaway, Pettis, Platte, St. Clair, and Worth Counties, all in the State of Missouri, and Atchison, Brown, Doniphan, Douglas, Geary, Jackson, Jefferson, Johnson, Leavenworth, Lyon, Marshall, Miami, Morris, Nemaha, Pottawatomie, Riley, Shawnee, Wabasha, and Wyandotte Counties, all in the State of Kansas.

Central Kansas zone—Clay, Cloud, Dickinson, Ottawa, Republic, and Washington Counties, all in the State of Kansas.

§ 1064.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, or a person who is a producer of the same milk under the terms of another order issued pursuant to the Act, who produces milk acceptable to U.S. Government agencies for fluid consumption in its institutions or bases in the marketing area, or who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

- (a) Received at a pool plant; or
- (b) Diverted as producer milk pursuant to § 1064.14.

§ 1064.8 Handler.

"Handler" means:

- (a) Any person in his capacity as the operator of a pool plant;
- (b) Any cooperative association with respect to producers' milk diverted from a pool plant to a nonpool plant or to a pool supply plant pursuant to § 1064.12 (b) for the account of such cooperative associations;

(c) Any cooperative association with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler for the milk. Milk so delivered shall be considered to have been received at the location of the pool plant to which delivered;

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

(e) A producer-handler, any person who operates a supply plant which is not a pool plant, or any person who operates an other order plant described in § 1064.62.

§ 1064.9 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at

which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person or from a cooperative association pursuant to § 1064.8 (b) but from no other dairy farm;

(b) Approved milk in the form of fluid milk products is disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers or from a cooperative association pursuant to § 1064.8(b); and

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

§ 1064.10 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed and packaged and from which approved milk is disposed of during the month as fluid milk products in the marketing area on routes.

§ 1064.11 Supply plant.

"Supply plant" means a plant at which approved milk is received from farms and is shipped to and received at a distributing plant which is a pool plant.

§ 1064.12 Pool plant.

"Pool plant" means a distributing plant or supply plant except the plant of a producer-handler or a plant exempt pursuant to § 1064.62 which meets the conditions set forth in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month or during the immediately preceding month there is disposed of:

(1) As Class I milk in the marketing area on routes not less than 15 percent of such plants approved receipts of milk; and

(2) As Class I milk not less than the applicable percentage of such plants receipts of approved milk:

(i) February, March, August, September, and October, 50 percent;

(ii) January, July, November, and December, 45 percent;

(iii) April through June, 35 percent.

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph, the combined receipts and disposition of a multiple plant operation shall be used in the case of each handler who operates more than one distributing plant;

(b) A supply plant from which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes, is shipped to and received at distributing

pool plants: *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages in this paragraph during each of the months of August through December (in 1965 during each month from the effective date of this part through December) shall be pooled for each of the following months of January through July unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1064.13 Nonpool plant.

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

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

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

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

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products derived from approved milk are moved during the month to a pool plant qualified pursuant to § 1064.12 and which is not an other order plant nor a producer-handler plant.

§ 1064.14 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) and diverted pursuant to paragraph (c) as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant or diverted by the pool plant operator to a nonpool plant pursuant to paragraph (c) of this section;

(b) Received directly from producers' farms at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1064.8(c) or diverted for its account pursuant to paragraph (c) of this section; and

(c) Milk diverted to a nonpool plant or pool supply plant by a cooperative association shall be considered as received at the location of the plant from which it was diverted for pooling and pricing purposes except that milk diverted to a nonpool plant located more than 125 miles by the shortest highway distance as determined by the market administrator from the nearer of the City Halls in Kansas City, Missouri, or Topeka, Kansas, shall be considered as having been received at the nonpool plant location in applying §§ 1064.53 and 1064.81. The diversion of producer milk from a

pool to a nonpool plant is subject to the following conditions:

(1) A cooperative association may divert for its account the milk of any member producer whose milk is received at a pool plant for at least six days production during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in each of the months of July through December and 50 percent in each of the months of January through June of its member producer milk received at all pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk; and

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at his pool plant for at least six days production during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in each of the months of July through December and 50 percent in each of the months of January through June of the milk received at such plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.

§ 1064.15 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a duly constituted health authority for distribution as Grade A milk.

§ 1064.16 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) Fluid milk products received from pool plants;

(2) Producer milk;

(3) Opening inventory; and

(4) Sterilized cream received and disposed of in the same hermetically sealed container; and

(b) Products (other than fluid milk products, cottage cheese and cottage cheese curd) from any source (including those produced at the plant) that are reprocessed, converted into or combined with another product in the plant during the month, and any disappearance of products other than fluid milk products not otherwise accounted for.

§ 1064.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such

cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 1064.18 Route.

"Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 1064.19 Base milk.

"Base milk" means the amount of milk received by a handler from a producer during each of the months of February through July which is not in excess of such producer's daily base computed pursuant to § 1064.65 multiplied by the number of days in such delivery period on which such milk was received by the handler. With respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 1064.65.

§ 1064.20 Excess milk.

"Excess milk" means the amount of milk received by a handler from a producer during each of the months of February through July which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 1064.65 except that milk received from a producer during the months of February through July 1966 if such producer had been a producer on the St. Joseph, Missouri, market (Part 1061 of this chapter) during any month of 1965 or a producer at a plant which first became regulated on the effective date of this part unless requested in writing by such producer or cooperative association in the case of member producers.

MARKET ADMINISTRATOR

§ 1064.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1064.26 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.

§ 1064.27 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 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of funds provided by § 1064.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1064.87) 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 for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

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

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not;

(i) Made reports pursuant to §§ 1064.30 through 1064.32,

(j) Maintained adequate records and facilities pursuant to § 1064.33, or

(k) Made payments pursuant to §§ 1064.80 through 1064.86,

(l) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from such cooperative association in its capacity as a handler pursuant to § 1064.8(c) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after the allocation pursuant to § 1064.46(a) (1) through (9) and the corresponding steps of § 1064.46(b);

(m) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the fifth day of each month, the minimum prices for Class I milk pursuant to § 1064.51(a) and the Class I butterfat differential pursuant to § 1064.52, both for the current month; and on or before the fifth day of each month the minimum prices for Class II milk pursuant to § 1064.51(b) and Class III milk pursuant to § 1064.51(c) and the Class II and Class III butterfat differentials pursuant to § 1064.52, all for the month immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential computed pursuant to § 1064.82, both applicable to milk delivered during the previous month;

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

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 1064.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk and made payment to such producers pursuant to § 1064.80 (a) and (b);

(m) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1064.46(a) (8) and the corresponding step of § 1064.46 (b), the market administrator shall estimate and publicly announce the combined utilization (to the nearest whole percentage) in Class II and Class III during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1064.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1064.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month each handler, except a producer-handler or a coopera-

tive association handler pursuant to § 1064.8(c), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer (for each of the months of February through July, the total pounds of base milk and excess milk received from each producer) and the total quantity of milk and butterfat received from each cooperative association handler pursuant to § 1064.8(c);

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

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

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month; and

(h) Each handler specified in § 1064.8 (d) who operates a partially regulated distributing plant shall report as required in this section, with receipts in Grade A milk reported in lieu of those in producer milk, except that quantities of base milk and excess milk need not be reported; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing areas as Class I milk on routes.

§ 1064.31 Payroll reports.

On or before the 23rd day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1064.61(b) shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1064.61(a) his payroll for dairy farmers delivering Grade A milk, except that quantities of base milk and excess milk need not be reported) for receipts during the preceding month which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the months of February through July, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1064.32 Other reports.

(a) Each producer-handler and each handler making payments pursuant to § 1064.61(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1064.8 (c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the seventh day after the end of each month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month. For each of the months of February through July the quantity of producer milk that is base milk and excess milk shall also be reported.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 1064.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23d day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the seventh day after the end of the month;

(i) The pounds per shipment, the total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 1064.86.

§ 1064.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 1064.34 Retention of records.

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

the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1064.40 Skim milk and butterfat to be classified.

(a) All skim milk and butterfat received within the month by a handler that is required to be reported pursuant to § 1064.30 shall be classified by the market administrator pursuant to the provisions of §§ 1064.41 through 1064.46; and

(b) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk utilized or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1064.41 Classes of utilization.

Subject to the conditions set forth in §§ 1064.43 and 1064.44, 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:

(i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3), (4), and (5) of this section;

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(iii) Sterilized cream disposed of in the same hermetically sealed container in which received; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd except cottage cheese and cottage cheese curd disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator: *Provided,* That Class II classification shall not include the weight of water associated with nonfat milk solids (as computed pursuant to § 1064.40) used to fortify fluid milk products used to produce or added to cottage cheese or cottage cheese curd.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce:

(i) Any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; and

(ii) Cottage cheese and cottage cheese curd which is disposed of as livestock feed or dumped after prior notification to

and opportunity for verification by the market administrator;

(2) Skim milk and butterfat delivered in bulk to and used at commercial food establishments in the manufacture of processed foods for human consumption off the premises, bakery products or candy;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed;

(4) Skim milk and butterfat dumped after prior notification to and opportunity for verification by the market administrator;

(5) In the weight of fortified fluid milk products which is not classified as Class I pursuant to paragraph (a) (1) of this section or as Class II pursuant to paragraph (b) of this section;

(6) Skim milk and butterfat in inventory of fluid milk products at the end of the month;

(7) Skim milk and butterfat, respectively, in actual shrinkage allocated pursuant to § 1064.42(b) (1) but not in excess of:

(i) Two percent of milk received from producers, including that received by a handler pursuant to § 1064.8(c) but not including producer milk diverted in cans to a nonpool plant pursuant to § 1064.14;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of milk received from a handler pursuant to § 1064.8(c) except that if the handler operating the pool plant files notice with the market administrator that the purchase of such milk is on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2.0 percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants, exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of milk in bulk tank lots disposed of from pool plants to other plants; and

(vii) Less 1.5 percent of milk disposed of by a handler pursuant to § 1064.8(c) unless the exception in subdivision (iii) of this subparagraph applies and then the applicable percentage shall be 2.0 percent; and

(8) Skim milk and butterfat in shrinkage allocated pursuant to § 1064.42(b) (2).

§ 1064.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

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

(b) Prorate the resulting amounts between receipts of skim milk and butterfat in:

(1) The net quantity of producer milk and other milk specified in § 1064.41(c) (7); and

(2) Other source milk exclusive of that specified in § 1064.41(c) (7).

§ 1064.43 Responsibility of handlers and reclassification of milk.

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

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

§ 1064.44 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, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned in any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1064.46(a) (8) and the corresponding step of § 1064.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1064.46(a) (3) and the corresponding step of § 1064.46(b), 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 § 1064.46(a) (7) or (8) and the corresponding steps of § 1064.46(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, if such classification would change the classification of producer milk on the market or the classification of such other source milk received by the transferor handler during the month;

(b) As Class I milk, if transferred or diverted from a pool plant to a producer-handler.

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Mo., or Topeka, Kans., except that cream so transferred may be classified as Class III, subject to such verification of alternate utilization as the market administrator may make, if notice is given to the market administrator prior to shipment and each container is labeled or tagged with a certificate by the transferor that such cream is sold as Grade C cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a

producer-handler plant, located not more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Mo., or Topeka, Kans.; 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 pursuant to § 1064.30 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 or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent such utilization is available and then to Class III milk; and

(v) If any skim milk or butterfat is transferred or diverted to a second nonpool plant under this paragraph the same conditions of audit, classification and allocation shall apply; 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 Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order that provides only two classes (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 or Class III to the extent of the Class II or Class III 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 only 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 the other class shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1064.41.

§ 1064.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk classified as Class III pursuant to § 1064.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in fluid milk prod-

ucts received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

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

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, 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 milk or Class III milk but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II or Class III in series beginning with the requested class; or

(b) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants; 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 or Class III was requested by the operators of both plants in series beginning with the requested class;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1064.27(m) or the percentage that com-

combined Class II and Class III utilization remaining is of the total remaining utilization of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1064.44;

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount of subtracted shall be known as "overage";

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

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1064.50 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. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1064.51 Class prices.

Subject to the provisions of §§ 1064.52 and 1064.53, and rounded to the nearest cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The Class I price for pool plants located in the Kansas City zone shall be the basic formula price for the preceding month plus \$1.10 during each of the months of April, May and June, plus \$1.40 during all other months, and plus or minus a supply-demand adjustment of not more than 45 cents, computed in subparagraphs (1), (2) and (3) of this paragraph. The Class I price for pool plants located in the Central Kansas zone shall be 10 cents more than for the Kansas City zone.

(1) Divide the amount computed pursuant to subdivision (i) of this subparagraph by the amount computed pursuant to subdivision (ii), multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(i) Add the total receipts of producer milk in the second and third months preceding.

(ii) Add the total gross volume of Class I milk at pool plants in the second and third months preceding, interhandler transfers which duplicate Class I sales excluded.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October-November	132	140
February	November-December	133	141
March	December-January	131	139
April	January-February	126	134
May	February-March	124	132
June	March-April	128	136
July	April-May	138	146
August	May-June	143	151
September	June-July	134	142
October	July-August	128	136
November	August-September	124	132
December	September-October	124	132

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(a) Each such percentage point of net deviation; or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

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

(c) *Class III milk.* The Class III milk price shall be the higher of:

(i) The average of the basic or field prices per hundredweight reported to

have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator, plus 24 cents.

Present Operator and Location

Carnation Co., Girard, Kans.; Kraft Foods Co., Nevada, Mo.; Pet Milk Co., Iola, Kans.; Swift & Co., Parsons, Kans.; or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 69 cents.

§ 1064.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to each class pursuant to § 1064.46(c) is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 1064.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtract for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed by multiplying the butter price specified in § 1064.50 by 0.115 and rounding to the nearest one-tenth of a cent.

§ 1064.53 Location adjustments to handlers.

(a) For milk received from producers at a plant located outside the marketing area which is classified as Class I milk or assigned Class I location adjustment pursuant to paragraph (b) of this section, and for other source milk for which location adjustments are applicable, the Class I price shall be that effective pursuant to § 1064.51(a) at the nearest of the cities specified below, subject to a reduction of 10 cents if such plant is 50 miles but not more than 70 miles from the city hall in such city, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles: Abilene, Concordia and Topeka all in the State of Kansas, and Kansas City, Mo.

(b) For purposes of calculating such adjustment, bulk transfers between pool plants shall be assigned to the

Class I disposition at the transferee plant prorated with the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants.

§ 1064.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1064.60 Exempt handlers.

Sections 1064.40 through 1064.45, 1064.50 through 1064.53, 1064.61, 1064.70, 1064.71, and 1064.80 through 1064.88 shall not apply to a producer-handler or to a handler operating a plant from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except a handler exempt pursuant to § 1064.60 shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1064.30(h) and 1064.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1064.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1064.70(e) and a credit in the amount specified in § 1064.84(a)(2)(ii) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1064.30(h) and 1064.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent

to the requirements of § 1064.12(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

§ 1064.62 Milk subject to other orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such month from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF BASE

§ 1064.65 Computation of daily base for each producer.

The daily base for each producer applicable during each of the months of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding months of September through December by the number of days during such period on which milk was received from such producer or by 90, whichever is greater.

(b) In the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the months of September through December immediately preceding: *Provided*, That, no daily base for the months of February through July 1966 be computed for a producer if such producer had been a producer on the St. Joseph, Missouri, market (Part 1061 of this chapter) during any month of 1965 or a producer at a plant which first became regulated on the effective date of this part unless requested in writing by such producer or cooperative association in the case of member producers.

§ 1064.66 Daily base rules.

(a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such jointholding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 1064.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1064.46(c), by the applicable class prices (adjusted pursuant to §§ 1064.52 and 1064.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1064.46(a)(10) and the corresponding step of § 1064.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III price for the preceding month and:

(1) The Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a)(5) and the corresponding step of § 1064.46(b); and

(2) The Class II price for the current month by the hundredweight of skim

milk and butterfat subtracted from Class II pursuant to § 1064.46(a) (5) and the corresponding step of § 1064.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1064.46(a) (3) and the corresponding step of § 1064.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a) (7) and the corresponding step of § 1064.46(b).

§ 1064.71 Computation of uniform prices.

For each month the market administrator shall compute the "uniform price" per hundredweight of milk received from producers (or "weighted average price") as follows:

(a) Combine into one total the values computed pursuant to § 1064.70 for all handlers who filed the reports prescribed by § 1064.30 for the month and who made the payments pursuant to §§ 1064.80 and 1064.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1064.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1064.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1064.70 (e);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and for the months August through January shall be the "uniform price" for milk received from producers. The result shall also be for the months of February through July, 1966, the "uniform price" for milk received from producers who were producers on the St. Joseph, Mo., market (Part 1061 of this chapter) during any month of 1965 or producers at a plant which first became regulated on the effective date of this part unless a daily base has been computed for such producers.

§ 1064.72 Computation of uniform prices for base milk and excess milk.

For each of the months of February through July the market administrator shall compute uniform prices per hun-

dredweight for base milk and for excess milk as follows:

(a) Subtract from the amount resulting from the computations made pursuant to paragraphs (a) through (d) of § 1064.71 an amount computed by multiplying by the weighted average price; (i) the hundredweight of milk specified in paragraph (e) (2) of § 1064.71, and (ii) for the months February through July 1966 the hundredweight of milk received from producers who were producers on the St. Joseph, Mo., market (Part 1061 of this chapter) during any month of 1965 or producers at a plant which first became regulated on the effective date of this part unless such producers are paid uniform base and excess prices.

(b) Compute the total value of excess milk by multiplying the hundredweight of producer milk determined to be excess milk in series beginning with Class III to the extent such utilization is available but not in excess of the total quantity of Class II and Class III milk included in these computations by the respective prices for Class II and Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of milk obtained in paragraph (a) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of producer milk determined to be base milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 1064.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.72, adjusted by the butterfat differential computed pursuant to § 1064.82, subject to the location adjustment to producers pursuant to § 1064.81, and less the following amounts: (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 1064.87, and (3) any de-

ductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1064.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month to each producer: (1) From whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section; and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received from such producer during the first 15 days of the month at the approximate value of such milk, not to be less than the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) To a cooperative association with respect to milk for which such association is acting in the capacity of a handler pursuant to § 1064.8(c):

(1) On or before the 20th day of the month an amount equal to the rate specified in paragraph (b) times the volume received during the first 15 days of the month; and

(2) On or before the 14th day after the end of each month an amount equal to not less than the value of such milk at the applicable weighted average or uniform price pursuant to § 1064.71 less payment made pursuant to paragraph (d) (1) of this section.

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1064.80, 1064.81, and 1064.82;

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

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1064.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 1064.81 Location differentials to producers and on nonpool milk.

(a) For producer milk received at a pool plant located outside the marketing area or diverted to a nonpool plant not more than 125 miles by shortest highway distance as determined by the market administrator from the nearer of the City Halls in Kansas City, Mo., or Topeka, Kans., the uniform (or weighted average) price and the base price shall be those effective at the nearest of the cities set forth in § 1064.53 subject to a reduction according to the location of the pool plant at the rate set forth in § 1064.53.

(b) For producer milk diverted to a nonpool plant located more than 125 miles by the shortest highway distance as determined by the market administrator from the nearer of the City Halls in Kansas City, Mo., or Topeka, Kans., the uniform (or weighted average) price and the base price shall be those effective at the nearest of the cities set forth in § 1064.53, reduced according to the location of the nonpool plant at the rate set forth in § 1064.53.

(c) The uniform (or weighted average) price and the base price for producer milk received at pool plants located in the Central Kansas zone shall be increased 10 cents per hundredweight.

(d) For purposes of computations pursuant to §§ 1064.84 and 1064.85 the applicable weighted average price shall be adjusted at the rates set forth in § 1064.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1064.82 Producer butterfat differential.

In making payments pursuant to § 1064.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, an amount computed by adding 4 cents to the butter price specified in § 1064.50 dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 1064.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) of this section and out of which he shall make all

payments required pursuant to paragraph (b) of this section.

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), and §§ 1064.84 and 1064.86.

(b) Payments due handlers pursuant to §§ 1064.85 and 1064.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1064.61, 1064.84, 1064.86, 1064.87 and 1064.88.

§ 1064.84 Payments to the producer-settlement fund.

(a) On or before the 14th 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 subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph.

(1) The total of the net pool obligation computed pursuant to § 1064.70 for such handler; and

(2) The sum of:

(i) The amount required to be paid producers (including payments to producers through cooperative associations) pursuant to § 1064.80 before deductions authorized by the producer or cooperative association or for marketing services pursuant to § 1064.87; and

(ii) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which a value is computed pursuant to § 1064.70(e).

(b) During each of the months of February through July each cooperative association as a handler pursuant to § 1064.8(c), on or before the 14th day after the end of the month, shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph:

(1) The total of the value of such association's member producer milk at the applicable weighted average (or uniform) price computed pursuant to § 1064.71; and

(2) The total of the value of such association's member producer base and excess milk at the applicable uniform base and excess prices (or applicable uniform price if the association's member producer does not have base and excess milk) computed pursuant to § 1064.72.

§ 1064.85 Payment out of the producer-settlement 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 § 1064.84 (a) (2) or (b) (2) exceeds the amount computed pursuant to § 1064.84 (a) (1) or (b) (1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 1064.86 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

(b) *Overdue accounts.* Any unpaid obligations of a handler or of the market administrator pursuant to §§ 1064.80, 1064.84, 1064.85, 1064.86(a), 1064.87, and 1064.88 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.

§ 1064.87 Marketing service.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1064.80(a), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1064.80(a), as are authorized by such producers, and on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 1064.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month three cents per hundredweight, or such lesser amount as the Secretary may prescribe, of (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1064.46(a)

(3) and (7) and the corresponding steps of § 1064.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant except by a handler exempt pursuant to § 1064.60 on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1064.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the

handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1064.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1064.91.

§ 1064.91 Suspension or termination.

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

§ 1064.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1064.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1064.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 1064.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Fairmont Foods Co.:

Proposal No. 2. Revise § 1064.6 to include the following Kansas counties in the proposed marketing area:

Anderson.	Mitchell.
Chase.	Norton.
Clay.	Osage.
Cloud.	Ottawa.
Coffey.	Phillips.
Decatur.	Rawlins.
Dickinson.	Republic.
Elk.	Saline.
Franklin.	Smith.
Greenwood.	Thomas.
Jewell.	Washington.
Marshall.	Woodson.

Proposed by The Jo-Mar Dairies Co.:

Proposal No. 3. Add Saline County, Kans., to the proposed expanded Greater Kansas City milk marketing area.

Proposed by Elmore Dairy, Inc.:

Proposal No. 4. Add Saline County, Kans., to the proposed expanded Greater Kansas City milk marketing area.

Proposed by Nemaha Cooperative Creamery Association:

Proposal No. 5. Revise § 1064.12(b) to read as follows:

(b) A supply plant from which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes, is shipped to and received at distributing pool plants qualified pursuant to § 1064.12(a): *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages of this paragraph during four of the five months of September through January (or any plant by reason of shipping not less than an average of 25,000 pounds of Grade A milk per day which was received at any plant which was fully regulated under this part during each of the months of September 1965 through January 1966) shall be pooled for the following months of February through August and one month, if necessary, of September through January qualification period, at the supply plant operator's discretion unless such operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

Proposed by Kansas State University:

Proposal No. 6. Revise § 1064.44(b) to read as follows:

(b) As Class I milk, if transferred or diverted from a pool plant to a producer-handler, except that skim milk and butterfat transferred or diverted to a producer-handler plant operated by a land-grant university which is utilized to produce nonfluid milk products used for educational or research purposes shall be classified as Class III (or Class II) in an amount not to exceed an equivalent quantity of skim milk and butterfat so utilized.

Proposed by The Shawnee Milk Producers Association, Inc.:

Proposal No. 7. Revise § 1064.6 of proposal No. 1 to shift the Kansas counties of Geary, Lyon, Morris, and Riley from

PROPOSED RULE MAKING

the Kansas City Zone to the Central Kansas Zone.

Proposed by Beatrice Foods Co.:

Proposal No. 8. Maintain the Class I and uniform price differentials in the area presently designated as the St. Joseph, Mo., marketing area at 10 cents less than those in the presently designated Kansas City marketing area.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4336, 7939 Floyd Avenue, Overland Park, Kans., 66204, or from the Hearing Clerk, Room 112-A, Administra-

tion Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on September 27, 1965.

CLARENCE H. GIRARD,
*Deputy Administrator,
Regulatory Programs.*

[P.R. Doc. 65-10430; Filed, Sept. 29, 1965;
8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

Delegation of Authority; Cancellation

Pursuant to Order No. 260, dated September 7, 1965, signed by the Assistant Postmaster General, Bureau of Facilities, Order No. 211, as published in 27 F.R. 1463, is hereby canceled.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-10400; Filed, Sept. 29, 1965;
8:45 a.m.]

UNIFORM QUALITY CONTROL

Notice of Uniform Industry Meeting

A meeting, with representatives of the Uniform Industry will be held on October 26, 1965, at 10 a.m., in the Key Room of the Hotel Biltmore, 43d Street and Madison Avenue, New York City, 10017.

Purpose is to advise the uniform industry on the progress of the Department's "Uniform Quality Control Program" and to effect an orderly change-over after issuance of new uniform specifications by Natick Laboratories for surcoats and jackets.

All interested persons are invited to attend.

(R.S. 161, as amended; 38 Stat. 1084, as amended; 68 Stat. 1114, as amended; 5 U.S.C. 22, 2131-2133, 31 U.S.C. 686, 39 U.S.C. 501, 5116)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-10420; Filed, Sept. 29, 1965;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Minneapolis Area Office Redlegation
Order 1, Amdt. 6]

SUPERINTENDENTS

Redelegation of Authority Regarding Forestry Matters

Section 2.230 under Part 2 of Minneapolis Area Office Redlegation Order 1, as amended, is further amended by a revision of the section title and the addition of paragraph (e). As so amended, section 2.230 reads as follows:

Sec. 2.230. *Forest management.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 50,000 feet, board measure, pursuant to 25 CFR 141.8 and 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13 for the sale of timber from

individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

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

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

(e) Accept payment of damages in full in settlement of civil trespass cases, pursuant to 25 CFR 141.22, when such settlement does not exceed \$500. "Payment of damages in full" means payment of the maximum amount due under applicable law.

JOHN O. CROW,
Acting Commissioner.

SEPTEMBER 24, 1965.

[F.R. Doc. 65-10389; Filed, Sept. 29, 1965;
8:45 a.m.]

Bureau of Land Management

[Arizona 017085]

ARIZONA

Order Providing for Opening of Public Lands

SEPTEMBER 24, 1965.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 30 E.,
Sec. 10, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates approximately 80 acres.

2. The lands are located in Cochise County, approximately three miles northwest of the town of San Simon. Topography is relatively flat to moderately sloping, cut slightly by the San Simon drainage channel. The soil ranges from silty loam to sandy loam. Vegetation consists of creosote brush, mesquite trees, and a sparse understory of perennial and annual grasses.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be

subject to occupancy or disposition until they have been classified.

4. This order shall become effective at 10 a.m. on November 1, 1965.

5. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 65-10390; Filed, Sept. 29, 1965;
8:45 a.m.]

National Park Service

[Order 3]

ADMINISTRATIVE ASSISTANT ET AL., COULEE DAM NATIONAL RECREATION AREA

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$10,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised by the Administrative Assistant on behalf of any coordinated area.

2. *Supervisory Park Rangers and Maintenance Superintendent.* The Supervisory Park Rangers (Chief Ranger and three District Rangers) and Maintenance Superintendent may execute and approve contracts not in excess of \$300 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations. This authority may be exercised by the Maintenance Superintendent on behalf of any coordinated area.

3. *Revocation.* This order supersedes Order No. 2, issued June 26, 1963.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order 3, (21 F.R. 1495))

Date: August 30, 1965.

HOMER W. ROBINSON,
Superintendent, Coulee Dam
National Recreation Area.

[F.R. Doc. 65-10391; Filed, Sept. 29, 1965;
8:45 a.m.]

Office of the Secretary

[Order 2508, Amdt. 70]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority

Section 30 of Order 2508, as amended, is further amended by the addition of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereto:

(31) The Act of September 22, 1961 (Pub. L. 87-283 of 75 Stat. 584; 25 U.S.C. 164-5), authorizing restoration to tribal ownership of unclaimed per capita and other payments of Indian tribal trust funds.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 24, 1965.

[F.R. Doc. 65-10392; Filed, Sept. 29, 1965;
8:45 a.m.]

[Order No. 2891]

OFFICE FOR EQUAL OPPORTUNITY Establishment

SECTION 1 *Purpose.* This Order establishes the Office for Equal Opportunity, defines its organization and functions, and prescribes related policies and organizational relationships for overseeing, coordinating, and obtaining compliance with Title VI, non-discrimination in Federally Assisted Programs, and Title VII, Equal Employment Opportunity, of the Civil Rights Act of 1964 (P.L. 88-352), related statutes, and applicable parts of Executive Orders (including E.O. 10925, 11114, and 111197).

SEC. 2 *Office for Equal Opportunity.* (a) *Creation.* The Secretary of the Interior will act as Department Contracts Compliance Officer, Department Employment Policy Officer, and Department Coordinator to the President's Council on Equal Opportunity. The Office for Equal Opportunity is hereby established as a constituent unit in the Office of the Secretary. The Office shall be headed by an Assistant to the Secretary who shall serve as Director, Office for Equal Opportunity and who shall report and be responsible to the Secretary. It shall be the responsibility of the Director, and authority is hereby granted to him, to discharge the duties of the Secretary with respect to all phases of equal opportunity. The Director, Office for Equal Opportunity will act as Deputy Employment Policy Officer and alternate Coordinator to the President's Council on Equal Opportunity. The Chief, Division of Contracts, Office for Equal Opportunity will act as Deputy Contracts Compliance Officer.

(b) *Functions.* Functions of the Office for Equal Opportunity are as follows: (1) Establish policies for answering and coordinating the responsibilities of the Office of the Secretary in the development of effective equal opportunity programs for the Department of the Interior. (2) Develop and administer regulations and procedures designed to carry out the compliance policies of the Administration: coordinate proposed policies with the President's Com-

mittee on Equal Employment Opportunity, the Equal Employment Opportunity Commission, the President's Council on Equal Opportunity, the Commission on Civil Rights, and any other such bodies appointed by the President or established by law. (3) Oversee and coordinate activities within, and outside of, the Department designed to insure compliance with established policies and procedures related to paragraphs (1) and (2) above.

SEC. 3 *Bureau and Office Responsibility.* Under the general supervision of the Secretary, assisted by the Office for Equal Opportunity, the head of each Bureau and Office shall be responsible for implementing equal opportunity programs so as to comply with Departmental policies, procedures and regulations, the Civil Rights Act, related statutes and applicable Executive orders.

SEC. 4 *Authority for Implementation.* The Director, Office for Equal Opportunity is authorized and directed to take such action as necessary to implement the purpose of this Order, including preparation of appropriate revisions to existing Departmental Manual provisions. Any public regulations to be published in the FEDERAL REGISTER, and any general policy regulations will be signed by the Secretary.

SEC. 5 *Revocation.* This Order supercedes Secretarial Orders No. 2852 and 2855.

(Sec. 2, Reorganization Plan No. 3 of 1950, 5 U.S.C., sec. 1332-15, note)

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 28, 1965.

[F.R. Doc. 65-10464; Filed, Sept. 29, 1965;
8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION COMPREHENSIVE PLAN

Notice of Public Hearing and Special Meeting Regarding Proposed Additions

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on October 7, 1965. The hearing will take place in Room 1600 of the Municipal Services Building, 15th and Kennedy Boulevard, Philadelphia, beginning at 2 p.m. The subject of the hearing will be as follows.

Proposals to amend the Commission's Comprehensive Plan so as to provide for the addition thereto of the following:

1. *Philadelphia Suburban Water Co.* Twelve existing wells owned by the company. Located in Chester and Montgomery Counties, Pa., these wells have a combined yield of approximately 12 million gallons daily.

2. *New Jersey Water Co.* Plans of the company to develop three new wells in Gloucester Township, Camden County. The wells would divert a maximum of 3 mgd to be used for public water supply

purposes in the northerly portion of the Township.

3. *Delran Township, N.J.* Proposal by the Delran Sewerage Authority of Delran Township, Burlington County, to construct a 1.5 mgd design capacity sewage treatment plant and a sanitary sewage collection system. After secondary treatment effluent will be discharged to Rancocas Creek, a short distance from its mouth.

4. *Northampton Township, Pa.* Project by Northampton Township, Bucks County, to develop a sanitary sewerage system and a water supply system based upon withdrawals from several wells having a combined maximum capacity of about 1.0 mgd. Sewage disposal would be through interconnection with the Bucks County interceptor sewer.

5. *City of Allentown, Pa.* Proposal by the city of Allentown to reconstruct an existing sewage treatment plant on Kline's Island in the Lehigh River. The modified plant would be built with a design flow of 28.5 mgd. Discharge would be to the Lehigh River after complete treatment. A berm would be constructed in the river to divert low flows toward the effluent discharge in order to facilitate dilution of the effluent with river water.

6. *Upper Merion Township, Pa.* Project by Upper Merion Township Authority, Montgomery County, to develop sewage works with an average capacity of 1.25 mgd. After secondary treatment, effluent will discharge to a small tributary of the Schuylkill River 1,500 feet above its confluence therewith.

Further details regarding the above projects may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

Immediately following the hearing there will be a special meeting of the Commission for the transaction of such business as may come before it.

W. BRINTON WHITALL,
Secretary.

SEPTEMBER 23, 1965.

[F.R. Doc. 65-10369; Filed, Sept. 29, 1965;
8:45 a.m.]

FEDERAL MARITIME COMMISSION ASSOCIATION OF WEST COAST STEAMSHIP COMPANIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request

for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. E. Alderson, Secretary
The Association of West Coast
Steamship Companies
Post Office Box 5097
Cristobal, Canal Zone

Agreement 3302-7, between the member lines of The Association of West Coast Steamship Companies, modifies the basic agreement to comply with the Commission's General Order Number 9, Admission, Withdrawal, and Expulsion Provisions, and other terms and conditions set forth in the agreement.

Dated: September 27, 1965.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10406; Filed, Sept. 29, 1965;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-78]

UNITED GAS PIPE LINE CO.

Notice of Application

SEPTEMBER 23, 1965.

Take notice that on September 17, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following:

Installation of downstream regulation and replacement of positive meter and upstream regulation in the meter station serving Thiokol Chemical Corp., located in Jackson County, Miss.,

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities are being constructed in order to provide for the sale and delivery of additional natural gas to an existing customer, Thiokol Chemical Corp., at Moss Point, Jackson County, Miss., to meet the additional requirements of Thiokol's synthetic rubber plant at the above location. Applicant further states that it will sell and deliver to this customer an additional volume of approximately 264,000 Mcf annually.

The estimated cost of Applicant's proposed construction is \$3,453, and will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 20, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-10378; Filed, Sept. 29, 1965;
8:45 a.m.]

[Project No. 1746]

E. L. CORD

Notice of Application for New License for Constructed Project

SEPTEMBER 23, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by E. L. Cord (correspondence to: Mr. Bert Lane, Circle L Ranch, 200 Court Street, Reno, Nev.) for a new license for constructed Project No. 1746, known as the Circle L Ranch, located on Leidy or Robinson Creek, a tributary to Fish Lake Valley Sink, in Esmeralda County, Nev., and affecting lands of the United States within the Inyo National Forest and other lands of the United States.

The existing project consists of: A reinforced concrete dam 71 feet long and about 9 feet high; two 12-inch pipe conduits 97 feet long extending to a small concrete settling basin; a 12-inch pipe conduit about 1,525 feet long joining the original pipe line from the dam; a 10-inch pipe conduit about 19,484 feet long; a cement block powerhouse containing two 150 horsepower water wheels connected to two 100 kw generators; a 5,700 feet long transmission line; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 8, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-10373; Filed, Sept. 29, 1965;
8:45 a.m.]

[Docket No. G-9544, etc.]

CRA, INC. ET AL.

Findings and Order; Correction

AUGUST 5, 1965.

In the matter of Tenneco Oil Co. (Operator), et al., Docket No. CI65-1283. In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Cancelling Docket Number, Terminating Rate Proceeding, Substituting Respondents, Making Successors Co-Respondents, Redesignating Proceedings, Making Rate Change Effective, Accepting Surety Bonds For Filing, Requiring Filing of Surety Bond, Accepting Agreement and Undertaking for Filing, Requiring Filing of Agreements and Undertakings, and Accepting Related Rate Schedules and Supplements for Filing, issued July 23, 1965 and published in the FEDERAL REGISTER August 31, 1965 (F.R. Doc. 65-8029; 30 F.R. 9598-9602), after Docket No. CI65-1283, in the chart, change FPC Gas Rate Schedule "No. 150" to FPC Gas Rate Schedule "No. 178".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-10374; Filed, Sept. 29, 1965;
8:45 a.m.]

[Docket No. G-13018 etc.]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

Notice of Applications, Consolidation of Proceedings, and Requirement To File Testimony; Correction

AUGUST 31, 1965.

In the Notice of Applications, Consolidation of Proceedings and Requirement to File Testimony, issued August 18, 1965, and published in the FEDERAL REGISTER August 25, 1965 (F.R. Doc. 65-8956; 30 F.R. 11003), in the caption change "Northwest Pipeline Co." to read "Northwest Pipeline Corp." in Docket Nos. CP66-28, CP66-29 and CP66-30.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-10375; Filed, Sept. 29, 1965;
8:45 a.m.]

[Docket Nos. RI66-21, RI66-22]

SOCONY MOBIL CO., INC.

Order Permitting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

AUGUST 25, 1965.

In the Order Permitting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 21, 1965, and published in the FEDERAL REGISTER July 28, 1965 (F.R. Doc. 65-7919; 30 F.R. 9417), change Docket No. "G-11931" to read Docket No. "CI62-801" in the finding paragraph (1) and ordering paragraph (A). In paragraph

(2) of the finding and ordering paragraph (B) change Docket No. "CI62-801" to read Docket No. "G-11931".

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 65-10377; Filed, Sept. 29, 1965;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2472]

STORER BROADCASTING CO.

Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

SEPTEMBER 24, 1965.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Storer Broadcasting Co., File 7-2472.

Upon receipt of a request, on or before October 11, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10393; Filed, Sept. 29, 1965;
8:45 a.m.]

[File Nos. 59-109, 54-235]

WEST PENN POWER CO. AND ALLE- GHENY POWER SYSTEM, INC.

Order Releasing Jurisdiction Over Fees and Expenses

SEPTEMBER 23, 1965.

On November 13, 1964, the Commission issued its findings and opinion and order herein (Holding Company Act Release No. 15145), approving, under section

11(e) of the Public Utility Holding Company Act of 1935, a plan providing for the issuance by Allegheny Power System, Inc. ("Allegheny"), a registered holding company, of shares of its common stock in exchange for the publicly held shares of common stock (4.79 percent of the total outstanding) of one of its public-utility subsidiary companies, West Penn Power Co. In said order of November 13, 1964, the Commission reserved jurisdiction with respect to the allowance of all fees and expenses related to the plan.

In an application filed by Allegheny on July 14, 1965, the record was completed with respect to the fees and expenses related to the plan. Said fees and expenses aggregate \$72,000, and are to be paid by Allegheny.

Due notice having been given of the filing of said application (Holding Company Act Release No. 15300) and no hearing having been requested of or ordered by the Commission;

It appearing to the Commission that said fees and expenses are for necessary services and matters and are reasonable, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to said fees and expenses be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10394; Filed, Sept. 29, 1965;
8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINIS- TRATORS

Delegation of Authority With Respect to Slum Clearance and Urban Re- newal Program, Urban Renewal Demonstration Program, and Urban Planning Program

The delegation of authority with respect to the slum clearance and urban renewal program, urban renewal demonstration program, and urban planning grant program, republished at 25 F.R. 9874, Oct. 14, 1960, as amended or modified at 27 F.R. 10235, Oct. 18, 1962, 28 F.R. 2933, March 23, 1963, 29 F.R. 8153, June 26, 1964, 29 F.R. 12754, Sept. 9, 1964, 30 F.R. 6703, May 15, 1965, and 30 F.R. 6889, May 20, 1965, is hereby further amended in the following respects:

1. In the caption, the phrase "Urban Planning Grant Program" is changed to "Urban Planning Program" (as set forth in the caption above).
2. In paragraph 1, the citation in parenthesis "42 U.S.C. 1450-1463" is changed to "42 U.S.C. 1450-1468".
3. Paragraph 1(b)(5) is deleted.
4. Paragraph 2 is revised to read:

2. The Commissioner, and the HHFA Regional Administrator within his respective region, each is further authorized to administer the provisions of section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), with respect to urban planning, except, in the case of the HHFA Regional Administrator, the authority with respect to studies, research, and demonstration projects, under the last proviso in section 701(b).

Effective as of the 10th day of August 1965.

[SEAL]

ROBERT C. WEAVER,
Housing and Home
Finance Administrator.

[F.R. Doc. 65-10408; Filed, Sept. 29, 1965;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4.2 (Amdt. 1)]

ASSISTANT DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE (ECONOMIC DEVELOPMENT ASSISTANCE)

Delegation of Disaster Loan Program Authority

I. Pursuant to the authority delegated by the Administrator to the Deputy Administrator for Financial Assistance in Delegation of Authority No. 4, as amended (29 F.R. 5489 and 29 F.R. 18194), Delegation of Authority No. 4.2 (30 F.R. 6609) to the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) is hereby amended by adding thereto a new Item I.I which reads as follows:

I. To approve or decline disaster loan applications, including reconsideration thereof, and to execute authorizations and modifications pertaining to such loans for amounts not in excess of one million dollars.

Effective date. September 14, 1965.

HOWARD W. ROGERSON,
Acting Deputy Administrator
For Financial Assistance.

[F.R. Doc. 65-10421; Filed, Sept. 29, 1965;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 822]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

SEPTEMBER 24, 1965.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49

¹ Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 629 (Sub-No. 21), filed September 10, 1965. Applicant: HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa., 15230. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Trenton, N.J., as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Philadelphia, Pa. NOTE: Applicant states it is "presently authorized to serve Trenton, N.J., as an off-route point in connection with its authorized regular route operations between Pittsburgh, Pa., and New York, N.Y." If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 1124 (Sub-No. 207), filed September 3, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's representative: Leroy Hallman, 45th Floor First National Bank Building, Dallas, Tex., 75202. Authority sought to operate as a common carrier, by motor vehicle, over regular

routes, transporting: *General commodities* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Bibb Manufacturing Co. plant, located approximately twenty (20) miles northwest of Macon, Ga., near the junction of Georgia Highways 87 and 18 as an off-route point in connection with applicant's regular-route operations at Macon, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2900 (Sub-No. 119), filed August 30, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. Applicant's representative: Reagan Sayers Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Memphis, Tenn. and Monroe, La.; from Memphis over U.S. Highway 61 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 165, and thence over U.S. Highway 165 to Monroe, and return over the same route, serving all intermediate points, (2) between Shreveport, La. and Fort Worth, Tex.; (a) over U.S. Highway 80, and (b) over Interstate Highway 20, serving all intermediate points, (3) between Memphis, Tenn. and Dallas, Tex.; (a) from Memphis over U.S. Highway 70 to Little Rock, Ark., and thence over U.S. Highway 67 to Dallas, and (b) from Memphis over Interstate Highway 40 to Little Rock, Ark., and thence over Interstate Highway 30 to Dallas, and return over the same routes, serving no intermediate points, (4) between Houston and Dallas, Tex.; (a) over U.S. Highway 75, and (b) over Interstate Highway 45, serving no intermediate points, restricted (1) to the handling of traffic having an immediate prior or subsequent movement by the holder beyond Texas, and (2) against the handling of any traffic by interchange in the commercial zones of Dallas or Houston, (5) between Houston, Tex. and Shreveport, La.; from Houston over U.S. Highway 59 to junction U.S. Highway 79, and thence over U.S. Highway 79 to Shreveport, and return over the same route, serving all intermediate points, (6) between Memphis, Tenn. and junction U.S. Highways 79 and 80 at or near Minden, La.; from Memphis over U.S. Highway 79 to junction U.S. Highway 167.

Thence over U.S. Highway 167 to junction Louisiana Highway 9, thence over Louisiana Highway 9 to junction U.S. Highway 79, and thence over U.S. Highway 79 to junction U.S. Highway 80 at or near Minden, La., and return over the same route, serving all intermediate points, (7) between Memphis, Tenn. and Jackson, Miss.; (a) over U.S. Highway 51, and (b) over Interstate Highway 55, serving all intermediate points, (8) be-

tween Meridian, Miss. and Tusculumbia, Ala.; from Meridian over U.S. Highway 45 to junction Mississippi Highway 12, thence over Mississippi Highway 12 to Mississippi-Alabama State line, thence over Alabama Highway 18 to junction Alabama Highway 17, thence over Alabama Highway 17 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction U.S. Highway 43, and thence over U.S. Highway 43 to Tusculumbia, and return over the same route, serving all intermediate points, (9) between Jackson, Miss. and Selmer, Tenn.; from Jackson over U.S. Highway 51 to junction Natchez Trace Parkway, thence over Natchez Trace Parkway to junction U.S. Highway 45, and thence over U.S. Highway 45 to Selmer, and return over the same route, serving all intermediate points, and (10) between Memphis, Tenn. and Brooksville, Miss.; from Memphis over U.S. Highway 78 to junction U.S. Highway 45W, thence over U.S. Highway 45W to junction U.S. Highway 45 and thence over U.S. Highway 45 to Brooksville, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. and Miami, Fla.

No. MC 3009 (Sub-No. 62), filed September 3, 1965. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), between Montgomery, Ala., on the one hand, and, on the other, points in Russell County, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 3252 (Sub-No. 36), filed September 3, 1965. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fish oil*, in bulk, in tank vehicles from Eastport, Maine, to points in Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 3252 (Sub-No. 37), filed September 3, 1965. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles from Albany, N.Y. to points in Cheshire County, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 4405 (Sub-No. 432), filed September 10, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill., 60652. Appli-

cant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers and trailer chassis and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveway service, from Haleyville, Ala., to points in the United States, including Alaska but excluding Hawaii, and (2) *tractors*, in secondary driveway service, only when drawing trailers moving in initial driveway service, from Haleyville, Ala., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 6557 (Sub-No. 1), filed September 13, 1965. Applicant: PARK MOTOR CARRIER, INC., 232 Dey Street, Jersey City, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail chain department stores, from piers on wharves in the New York, N.Y., commercial zone as defined in 49 C.F.R. section 170.1 to Windsor Locks, Conn., and refused or returned shipments, on return, restricted to shipments having and immediately prior movement by water.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 7832 (Sub-No. 6), filed September 10, 1965. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 66 Harrison Street, New York, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith equipment, materials and supplies used in the conduct of such business, between Linden, N.J., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn.* **NOTE:** Applicant states that the above proposed operation will be under contract with Food Fair Stores, Inc., and that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 11207 (Sub-No. 236), filed September 10, 1965. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products* (except conduit and pipe which because of size, shape, weight, or inherent character require the use of special equipment), and *fittings, materials and accessories* for the installation or transportation thereof (except in bulk), from Ragland, Ala., to

points in Alabama, Louisiana, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 19945 (Sub-No. 18), filed September 7, 1965. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and points within ten (10) miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 26396 (Sub-No. 38), filed September 7, 1965. Applicant: POPELKA TRUCKING CO., a corporation, Post Office Box 229, Billings, Mont. Applicant's representative: Hugh Sweeney, Billings State Bank Building, Billings, Mont., 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, from the plant site of El Paso Natural Gas Products Co. located near Epco, Idaho, to points in Montana and Wyoming, and contaminated and rejected shipments on return.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 26739 (Sub-No. 49) (AMENDMENT), filed September 3, 1965, published *FEDERAL REGISTER*, issue of September 22, 1965, and republished as amended this issue. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and equipment*, (4) *equipment designed for use in connection with tractors*, (5) *trailers designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles)*, (6) *attachments for the commodities described above*, (7) *internal combustion engines*, and (8) *parts of the commodities described in (1) through (7) above when moving in mixed loads with such commodities, from the plant and warehouse sites, and experimental farms, of Deere & Co. located in Rock Island County, Ill. and Black Hawk, Dubuque, Polk, and Wapello Counties, Iowa to points in Kansas, Missouri, and Oklahoma, and damaged, rejected and returned shipments on return.* **NOTE:** The purpose of this republication is to clearly set forth the commodity description in (3) above. Applicant states the proposed operations will be restricted to traffic originating at the plant and warehouse sites, and experimental farms named

above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 211), filed September 7, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., 46621. Applicant's representative: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind., 46621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers which, by reason of size or weight, require the use of special equipment and electrical transformers other than those described above, when transported in mixed loads with shipments of transformers requiring special equipment, from Pittsburgh, Pa., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Massachusetts, Maine, New Hampshire, Vermont, Connecticut, and that part of Ohio on and north of U.S. Highway 6 and on and west of Ohio Highway 19.* **NOTE:** Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 31389 (Sub-No. 75), filed September 7, 1965. Applicant: McLEAN TRUCKING COMPANY, a corporation, Box 213, Winston-Salem, N.C. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Paper, pulpboard, and plywood, serving from Plymouth, N.C., as an off-route point in connection with applicant's authorized regular-route operations to and from Williamston, N.C., and (2) materials and supplies (except commodities in bulk) used in the manufacture of paper, pulpboard, and plywood, serving to Plymouth, N.C., as an off-route point in connection with applicant's authorized regular-route operations to and from Williamston, N.C.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 598), filed September 7, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash, in bulk, from Solvay, N.Y., to North Rochester, Mass.* **NOTE:** If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 31600 (Sub-No. 599), filed September 7, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride, in bulk, in pneumatic tank vehicles, from Solvay, N.Y., to Towanda, Pa.* **NOTE:** If a hearing is deemed necessary,

applicant does not specify place of hearing.

No. MC 31600 (Sub-No. 600), filed September 7, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities in bulk (excluding cement) from rail terminals of the New York Central Railroad Co., in the following: (1) from points in New York to points in New York; (2) from points in Massachusetts to points in Massachusetts; (3) from points in New York and Massachusetts to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and Maine; and (4) from points in New York to points in Pennsylvania.* Note: Applicant states the proposed service restricted to shipments having a prior movement by rail. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 31600 (Sub-No. 601), filed September 7, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soda ash, in bulk, in tank vehicles, from the plant site of Allied Chemical Corp., located at or near Solvay, N.Y., to the plant site of American Agricultural Chemical Co., located at or near Carteret, N.J.* Note: If a hearing is deemed necessary applicant does not specify place of hearing.

No. MC 41792 (Sub-No. 11), filed September 7, 1965. Applicant: HOLD-CROFT TRANSPORTATION COMPANY, a corporation, 1805 11th Street, Sioux City, Iowa. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Neb., 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Nebraska, South Dakota, and Minnesota.* Note: If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa, Omaha, Neb., or Chicago, Ill.

No. MC 41849 (Sub-No. 25), filed September 7, 1965. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo., 63110. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, in dump vehicles from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points*

within 10 miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42963 (Sub-No. 33), filed September 7, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points within 10 miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky.* Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 43421 (Sub-No. 30), filed September 3, 1965. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 9th Street, Rock Island, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, livestock, explosives, inflammable articles, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 67 and Illinois Highway 125 at or near Virginia, Ill., and Indianapolis, Ind.; from junction U.S. Highway 67 and Illinois Highway 125 at or near Virginia, Ill., over Illinois Highway 125 to junction U.S. Highway 36, thence over U.S. Highway 36 to Indianapolis and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.* Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 48958 (Sub-No. 82), filed September 7, 1965. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highways 85 and 285 approximately 10 miles south of Santa Fe, N. Mex., and Cline Corners, N. Mex., over U.S. Highway 285, serving no intermediate points, as alternate route for operating convenience only, in connection with applicant's authorized regular route opera-*

tions. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 51104 (Sub-No. 4), filed September 7, 1965. Applicant: GEORGE F. KIESEL, JR. AND ROBERT S. KIESEL, ADMINISTRATORS, G. F. KIESEL, doing business as PARAMOUNT HAULING, 1936 South Vandeventer, St. Louis 10, Mo. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points within ten (10) miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky.* Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 51146 (Sub-No. 28), filed September 9, 1965. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass containers, caps, covers, tops, stoppers, and accessories for glass containers, and paper cartons, from points in Will County, Ill. to points in Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and (2) materials, equipment and supplies used in the manufacture and distribution of the above described commodities, and returned and rejected shipments of said commodities, from points in Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin to points in Will County, Ill.* Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52869 (Sub-No. 81), filed September 7, 1965. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Miles City, Mont. Applicant's representative: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, in bulk, in tank vehicles, between the ports of entry located on the international boundary line between the United States and Canada located in Idaho, Montana, and North Dakota, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.* Note: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 52953 (Sub-No. 33), filed September 7, 1965. Applicant: ET & WNC

TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mountain City and Laurel Bloomery, Tenn. over Tennessee Highway 91, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Johnson City, Tenn.

No. MC 59367 (Sub-No. 27), filed September 2, 1965. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato and Worthington, Minn., to points in Illinois, Iowa, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59531 (Sub-No. 92), filed September 9, 1965. Applicant: ESTATE OF HARRY E. STEWART, PETER P. STEWART, HENRY EXALL, JR., PETER STEWART TRUST A-E, WALDO E. STEWART TRUST 1-5, AND IAN, INC., a partnership, doing business as AUTO CONVOY CO., 3020 South Haskell Avenue, Dallas, Tex. Applicant's representative: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Automobiles and trucks*, from Amarillo, Tex. to points in New Mexico; points in Mineral, Archuleta, Rio Grande, Conejos, Pueblo, Alamosa, Costilla, Huerfano, Crowley, Kiowa, Otero, Bent, Prowers, Las Animas, and Baca Counties, Colo.; and points in Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Kingman, Sedgwick, Butler, Elk, Wilson, Neosho, Edwards, Crawford, Stevens, Seward, Meade, Clark, Comanche, Barber, Harper, Sumner, Cowley, Chautauqua, Montgomery, Labette, Cherokee, Morton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Greenwood, Woodson, Allen, Bourbon, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Coffey, Anderson, and Linn Counties, Kans.; (2) *tractors (farm type)*, with or without attachments, from Amarillo, Tex. to points in Texas, Oklahoma, New Mexico, points in Mineral, Archuleta, Rio Grande, Conejos, Pueblo, Alamosa, Costilla, Huerfano, Crowley, Kiowa, Otero, Bent, Prowers, Las Animas, and Baca Counties, Colo., and points in Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Kingman, Sedgwick, Butler, Elk, Wilson, Neosho, Edwards, Crawford, Stevens, Seward, Meade, Clark, Comanche, Bar-

ber, Harper, Sumner, Cowley, Chautauqua, Montgomery, Labette, Cherokee, Morton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Greenwood, Woodson, Allen, Bourbon, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Coffey, Anderson, and Linn Counties, Kans. **NOTE:** Applicant states the proposed operations will be restricted to shipments from assembly plants of the Ford Motor Company having had a prior movement by rail, and in secondary movements. If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 60603 (Sub-No. 2), filed September 3, 1965. Applicant: THE A. WIRTZ TRANSFER COMPANY, a corporation, 3660 Dixie Highway, Hamilton, Ohio. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fiberglass tanks, and accessories thereof*, from Fairfield, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and damaged and returned shipments, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 61396 (Sub-No. 146), filed September 3, 1965. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Neb. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Neb. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plants of Central Farmers Fertilizer Co. at or near Albany, Ill., to points in Illinois, Iowa, Indiana, Missouri, Minnesota, Nebraska, South Dakota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 51), filed September 10, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and implements*, (4) *equipment designed for use in connection with tractors*, (5) *trailers designed for the transportation of the commodities described above* (other than those designed to be drawn by passenger automobiles), (6) *attachments for the commodities described above*, (7) *internal combustion engines*, and (8) *parts of the commodities described in (1)*

through (7) above when moving in mixed loads with such commodities, (a) from the plant and warehouse sites, and experimental farms of Deere & Co. in Dodge County, Wis. to points in Illinois, Iowa and St. Louis, Mo., and (b) from the plant and warehouse sites, and experimental farms of Deere & Company in Rock Island County, Ill. to points in Wisconsin. **NOTE:** Applicant states the proposed operations in (a) and (b) above will be restricted to traffic originating at the plant and warehouse sites, and experimental farms, named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 70451 (Sub-No. 248), filed September 7, 1965. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Neb., 68102. Applicant's representative: John M. Records, Post Office Box 8462, 92d at State Line, Kansas City 14, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), serving the plants and cold storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from Rockport, Mo. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 71460 (Sub-No. 5), filed September 3, 1965. Applicant: SOUTHERN FORWARDING CO., a corporation, 728 Alston, Memphis, Tenn. Applicant's representative: James N. Clay, III, 340 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Memphis, Tenn., and Gulfport, Miss.; from Memphis over U.S. Highway 51 to Vaiden, Miss., thence over Mississippi Highway 35 to Mount Olive, Miss., thence over U.S. Highway 49 to Gulfport and return over the same route, serving no intermediate points between Memphis, Tenn., and Hattiesburg, Miss., but serving all intermediate points on U.S. Highway 49 below Hattiesburg to Gulfport and serving the off-route points of McLaurin, Brooklyn, Tracy, Carnes, Whites Crossing, Riceville, Sellers, Wool Market and the Mississippi Rocket Test Center in Hancock County, Miss.; (2) between Memphis, Tenn., and Mount Olive, Miss.; from Memphis over Interstate Highway 55 to Jackson, Miss., thence over U.S. Highway 49 to Mount Olive and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (3) between Hattiesburg, Miss., and

Pearlington, Miss.; from Hattiesburg over U.S. Highway 11 to Santa Rosa, Miss.

Thence over Mississippi Highway 43 to junction Mississippi Highway 604, thence over Mississippi Highway 604 to Pearlinton and return over the same route, serving all intermediate points and off-route points of Logtown, Gainesville, Cybur, Mill Creek, Crossroads, Youngs, Baxterville, Okahola and the Mississippi Rocket Test Center in Hancock County, Miss.; (4) between Pearlinton, Miss., and Orange Grove, Miss., over U.S. Highway 90, serving all intermediate points and the off-route points of Claiborne, Ansley, Lakeshore, Clermont Harbor, Waveland, Kiln, Fenton, De Lisle, Cuevas, the Mississippi Rocket Test Center in Hancock County, Miss., Wool Market, Latimer, Vancleave and Moss Point, Miss.; (5) between junction Mississippi Highway 43 and Interstate Highway 10 and junction Interstate Highway 10 and U.S. Highway 90 north of Orange Grove, Miss., over Interstate Highway 10, serving no intermediate points, as an alternate route for operating convenience only; and (6) between Hattiesburg, Miss., and Pascagoula, Miss.; from Hattiesburg over U.S. Highway 49 to junction U.S. Highway 98, thence over U.S. Highway 98 to Lucedale, Miss., thence over Mississippi Highway 63 to Pascagoula, and return over the same route, serving all intermediate points and the off-route points of Royce, Leaf, Avent, Merrill, Bexley, Bennedale, Vestry, Larue, Vernal, Evanston, Shipman, Agricola, Hurlley, Bigpoint, and Helena, Miss. Note: Applicant states that it intends to tack the above proposed routes with each other and with its presently authorized routes at common points to render a through single line service. Applicant is authorized, by virtue of authority granted in Certificate No. MC 71460 and (Sub-No. 3), to serve points in the States of Arkansas, Indiana, Kentucky, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Pascagoula or Biloxi, Miss.

No. MC 73165 (Sub-No. 197), filed June 28, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in packages and in drums, from Tuscaloosa, Ala., to points in Georgia and Tennessee. Note: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificate No. MC 73165 Sub 169, wherein applicant is authorized to serve points in the States of Louisiana, Alabama, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 75320 (Sub-No. 108), filed September 10, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from North

Chicago, Ill., to points in Iowa, Missouri, Minnesota, Nebraska, Colorado, Kansas, Oklahoma, Texas, and Arkansas. Note: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 75320 (Sub-No. 109), filed September 13, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Kansas City, Mo., to points in Illinois (except points in the Chicago, Ill., commercial zone), and Greenville, Iowa, Minnesota, Oklahoma, Texas, Mississippi, Alabama, Michigan, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Wisconsin, and Arkansas. Note: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 75320 (Sub-No. 110), filed September 13, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food products*, from Cabool, Mo., to points in Alabama, Georgia, Florida, New York, Pennsylvania, New Jersey, Ohio, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Massachusetts, Vermont, Maine, New Hampshire, Rhode Island, Connecticut, and the District of Columbia. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 75320 (Sub-No. 111), filed September 16, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined in appendix V, 61 M.C.C. 209 and 276, and *damaged and rejected shipments* thereof, between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, and Colorado. Note: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 81133 (Sub-No. 3), filed September 7, 1965. Applicant: CORKERY FUEL & MATERIALS COMPANY, a corporation, 4401 Ridgewood Avenue, St. Louis 16, Mo. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points within ten (10) miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 82492 (Sub-No. 20), filed September 3, 1965. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC.,

900 Monroe Avenue NW., Grand Rapids, Mich., 49502. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Indiana, Michigan, and Ohio. Note: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 82841 (Sub-No. 14), filed September 3, 1965. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery, and agricultural implements and parts*, from Grand Island, Nebr., to points in the United States (except points in Alaska and Hawaii), and (2) *such commodities* as are used in the manufacture of farm machinery and agricultural implements and parts, and *damaged and rejected shipments* of farm machinery and agricultural implements and parts, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 159), filed September 3, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities* 74 M.C.C. 459, 543) from Swan, Tex., to points in California, Idaho, Nevada, Oregon, and Washington. Note: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 84511 (Sub-No. 28), filed September 3, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West 9th Street, Kansas City, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska. Note: If a hearing is deemed necessary applicant does not specify place of hearing.

No. MC 84739 (Sub-No. 18), filed September 7, 1965. Applicant: SEVERSON TRANSPORT, INC., Route 1 Box 163, Edgerton, Wis. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and tubing, plastic pipe and tubing impregnated with copper, and fittings, attachments and parts of pipe moving in connection therewith in the same vehicle, from Footville, Wis. and points within five (5) miles thereof, to points in Michigan.* Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 89693 (Sub-No. 32), filed September 3, 1965. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th NE., Bellevue, Wash. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, fertilizer compounds, and rejected and contaminated products, between points in Oregon, Washington, Idaho, Wyoming, and Montana (except from Don, Idaho to points in Montana).* Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 89693 (Sub-No. 33), filed September 3, 1965. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th NE., Bellevue, Wash. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals, fertilizer, fertilizer ingredients, urea, anhydrous ammonia, and contaminated and rejected chemicals, between points in Columbia County, Oreg., on the one hand, and, on the other, that part of California on and north of U.S. Highway 40, Washington, Idaho, and Montana.* Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 94265 (Sub-No. 158), filed September 9, 1965. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heasley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor carrier, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C, appendix I, in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.* Note: Applicant states "no duplicating authority is sought." If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103051 (Sub-No. 196), filed September 7, 1965. Applicant: FLEET

TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reynolds, Suite 403-11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions, in bulk, in tank vehicles, from Tyner, Tenn., to points in Alabama.* Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Chattanooga, Tenn.

No. MC 103378 (Sub-No. 318), filed September 3, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas, in bulk, in tank vehicles, from Albany and Alma, Ga., and points within 15 miles of each, to points in Florida, Alabama, South Carolina, and North Carolina.* Note: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103880 (Sub-No. 344) (AMENDMENT), filed July 15, 1965, published FEDERAL REGISTER, issue of August 4, 1965, amended September 17, 1965, and republished as amended, this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, in bulk, in tank vehicles, and fertilizer and fertilizer ingredients, in bulk, (1) from the plants of the Midsouth Chemical Co. and Tuloma Gas Products Co. located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plant-site of the Tuloma Gas Products Co. at Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.* Note: The purpose of this republication is to add the "Midsouth Chemical Co." to (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105813 (Sub-No. 132), filed September 13, 1965. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla., 33144. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned fruit and canned fruit juices, not frozen, from points in Florida, to points in Iowa, that part of Missouri west of U.S. Highway 67 (including St. Louis and points in its commercial zone) and Minnesota (except St. Paul, Minneapolis and Duluth).* Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 76) (CORRECTION), filed August 23, 1965, pub-

lished FEDERAL REGISTER, issue of September 9, 1965, and republished as corrected this issue. Applicant: PREFAB TRANSIT COMPANY, a corporation, Post Office Box 146, Farmer City, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, component parts thereof, and equipment and materials incidental to the erection and completion of such buildings traveling on their own or removable undercarriages, equipped with hitch ball coupler, between points in Alabama, Florida, and Georgia, on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, and Alaska.* Note: The purpose of this republication is to correctly set forth the territory proposed to be served. If a hearing is deemed necessary, applicant requests it be held at Sarasota, Fla.

No. MC 107496 (Sub-No. 403), filed September 7, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions, in bulk, in tank vehicles, from Creston, Iowa, and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.* Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107839 (Sub-No. 87), filed September 7, 1965. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's representative: Duane W. Ackle, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant-site of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., to points in New Mexico, Oklahoma, and Texas, restricted to traffic originating at such facilities, and damaged and rejected shipments, on return.* Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108435 (Sub-No. 21), filed September 3, 1965. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, 900 Grand Avenue, Schofield, Wis. Applicant's representative: Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and*

poultry feed concentrates, from Davenport, Iowa to points in Illinois on and north of U.S. Highway 136. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109497 (Sub-No. 14), filed September 9, 1965. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Post Office Box 2933, West Durham Station, Durham, N.C. Applicant's representative: Louis Reznick, 5009 Keokuk Street, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry salt, in bulk, from Norfolk, Va., to points in North Carolina. Note: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Raleigh, N.C.

No. MC 110193 (Sub-No. 111), filed September 7, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, from Decatur and Lawton, Mich. to points in Missouri. Note: If a hearing is deemed necessary applicant requests it be held at South Bend, Ind.

No. MC 110393 (Sub-No. 23), filed September 7, 1965. Applicant: FRIGID FOOD EXPRESS, INCORPORATED, 4205 Camp Ground Road, Louisville, Ky., 40216. Applicant's representative: Rudy Yessin, 6th Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) Cheese, (1) from Woodbury, Lewisburg and Nashville, Tenn., to Chicago, Ill., and Portage and Monroe, Wis.; (2) from Stanford, Ky., to Chicago and West Chicago, Ill., and Portage and Monroe, Wis.; and (B) cheese, butter, dry milk powder, and dry cream powder, from Springfield, Ky., to Chicago and West Chicago, Ill., and Portage and Monroe, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110420 (Sub-No. 482), filed September 7, 1965. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lime, in bulk, in pneumatic vehicles, from Chicago, Ill., to points in Indiana, Michigan, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 110420 (Sub-No. 483), filed September 7, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from the plantsite of Central Farmers Fertilizer Co., located at or near Albany, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. Note: If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 484), filed September 7, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Corn products, including but not restricted to corn grits, corn meal, and corn flour, in bulk, in tank and hopper type vehicles, from Milwaukee, Wis., to points in Minnesota. Note: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111636 (Sub-No. 5), filed September 10, 1965. Applicant: JEFF MOTOR LINES, INC., Box 123, Greenbush Road, Orangeburg, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Corrugated metal pipe, from the plantsite of Highway Culvert Corp., Fallsburg, N.Y., to points in Pennsylvania, New Jersey, Vermont, Massachusetts, and Connecticut. Note: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 111812 (Sub-No. 311), filed September 7, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packing-houses, and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in sections A, B, C, and D of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Madison and Sioux Falls, S. Dak., to points in Illinois. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 111812 (Sub-No. 312), filed September 7, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Candy, confectionery, and advertising matter, display racks, and premiums used in the sale and distribution of candy and confectionery, from Chicago, Ill., to points in Idaho, Oregon, Montana, Washington, and Salt Lake City, Utah. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 313), filed September 9, 1965. Applicant: MID-

WEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102, and William J. Walsh (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from LaFayette, Ind., to points in Colorado, Iowa, Kansas, Nebraska, and South Dakota. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 112520 (Sub-No. 128), filed September 3, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer and fertilizer materials, dry, in bulk, from points in Decatur County, Ga., to points in Florida. Note: If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 112801 (Sub-No. 32), filed September 3, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago, Ill., 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry plastics, in bulk, and plastic liners, in mixed loads, from Chicago, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112893 (Sub-No. 31), filed September 6, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, from Wood River, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 157), filed September 9, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: R. H. Burroughs, 115 East Main Street, Collinsville, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts and articles distributed by meat packing-houses as described in section A and C of the appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Worthington and Mankato, Minn., to points in Alabama, Georgia, Louisiana, Missis-

issippi, North Carolina, South Carolina, and Tennessee. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113528 (Sub-No. 15), filed September 10, 1965. Applicant: MERCURY FREIGHT LINES, INC., Post Office Box 1624, 710 North Joachim Street, Mobile, Ala. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), between Mobile, Ala., and Pensacola, Fla., over U.S. Highway 90 (also over Interstate Highway 10), serving those intermediate and off-route points located within a 15-mile airline radius of the corporate limits of Pensacola. **NOTE:** Applicant states that the basic purpose of this application is to eliminate a restriction in its present authority which prevents the use of U.S. Highway 90 in the transportation of shipments moving locally between Mobile and Pensacola. If the above proposed authority is granted, applicant will offer for cancellation that authority granted in Certificate No. MC 113528 (Sub-No. 5), which reads in part, as follows: "between Mobile, Ala., and Pensacola, Fla.; from Mobile over U.S. Highway 90 to Pensacola and return over the same route, serving no intermediate points. Restriction: The authority granted immediately above is subject to the conditions (1) that shipments are not to be transported over this route which originate, or are received from other carriers, at Mobile and points within 5 miles of Mobile and are destined to, or interchanged with other carriers at Pensacola and points within 15 miles of Pensacola, and (2) originate, or are received from other carriers, at Pensacola and points within 15 miles of Pensacola and destined to, or interchanged with other carriers at Mobile and points within 5 miles of Mobile." If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 113678 (Sub-No. 172), filed September 9, 1965. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's representative: Duane W. Ackle, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Colorado, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 113678 (Sub-No. 173), filed September 10, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Ackle, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado on and east of U.S. Highway 85 and on and north of U.S. Highway 36, to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 174), filed September 13, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Ackle, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from North Chicago, Ill., to points in Iowa, Missouri, Minnesota, Nebraska, Colorado, Kansas, Oklahoma, Texas, and Arkansas. **NOTE:** If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 113828 (Sub-No. 96), filed September 3, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Pennsylvania. **NOTE:** Applicant states the proposed service to be restricted to shipments which have received an immediately prior movement by rail from Martinsburg, W. Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 97), filed September 9, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, from Chesapeake, Va., to points in West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 113843 (Sub-No. 102), filed September 13, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen juices, concentrates and essences*, from Geneva, N.Y., to points in Delaware, Maryland, Virginia, and the District of Columbia; (2) *frozen juices*, from Dundee and Penn Yan, N.Y., to points in Virginia (other than Hampton, Norfolk and Richmond, Va.), on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Richmond, Va., thence along Virginia Highway 33 to Glenns, Va., thence along U.S. Highway 17 to Saluda, Va., thence along Virginia Highway 227 to Harmony Village, Va., thence along Virginia Highway 200 to the Rappahannock River at or near Lockies, Va.; and (3) *concentrates and essences*, from Dundee and Penn Yan, N.Y., to points in Delaware, Maryland, Virginia and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 113855 (Sub-No. 117), filed September 20, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's representative: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers* which, by reason of size or weight, require the use of special equipment, and *electrical transformers other than those described above* when transported in mixed loads with the shipments of transformers requiring special equipment, from Pittsburgh, Pa., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 186), filed September 7, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 44), filed September 13, 1965. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked, disabled, burnt, junked, and damaged ve-*

hicles, and (b) parts and accessories for vehicles, between Elkton, Md., and points within 8 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 40), filed September 9, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Illinois, Iowa, the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 105), filed September 9, 1965. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments such as are used in the conduct and operations of banks and banking institutions, accounting and audit media, business records and microfilm, (1) between points in Illinois, on the one hand, and, on the other, points in Missouri, and (2) between Memphis, Tenn., on the one hand, and, on the other, points in Missouri.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114939 (Sub-No. 34), filed September 7, 1965. Applicant: BULK CARRIERS LIMITED, Box 10, Cooksville, Ontario, Canada. Applicant's representative: Walter N. Bleneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soybean meal, in bulk, in tank and hopper-type vehicles, from Chicago, Ill., to ports of entry on the international boundary line between the United States and Canada located at or near Detroit and Port Huron, Mich.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 116), filed September 7, 1965. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South, Birmingham, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: *Plywood, lumber, and advertising material, display material and paint stain when moving with plywood and lumber, the weight of the advertising material, display material and paint stain not to exceed 2 percent of the total weight of the lumber and plywood, from the plantsite of Pascagoula Veneer Company, Pascagoula, Miss., to points in Vermont and Maine.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115491 (Sub-No. 76), filed September 13, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburn, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods, from points in Florida on and south of Florida Highway 40 to Minneapolis and St. Paul, Minn.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115491 (Sub-No. 77), filed September 13, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburn, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, from the plant site of Carolina Paper Mills, Inc., at or near Rockingham, N.C., to points in Florida, and points in Georgia on and south of U.S. Highway 80.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115594 (Sub-No. 12), filed September 3, 1965. Applicant: HOLLOWAY MOTOR EXPRESS, INC., Piedmont Highway, East Gadsden, Ala. Applicant's representative: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and Topeka, Kans.; (a) from Atlanta over U.S. Highway 78 to Austell, Ga., thence over U.S. Highway 278 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 31, thence over U.S. Highway 31 to Decatur, Ala., thence over Alternate U.S. Highway 72 to junction U.S. Highway 72, thence over U.S. Highway 72 to Memphis, Tenn., thence over U.S. Highway 70 to junction U.S. Highway 63 (also over U.S. Highway 70 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 63).*

Thence over U.S. Highway 63 to junction U.S. Highway 60 at Cabool, Mo., thence over U.S. Highway 60 to Springfield, Mo., thence over U.S. Highway 65 to junction U.S. Highway 66, thence over U.S. Highway 66 to Carthage, Mo., thence over U.S. Highway 71 to Kansas City, Mo., thence over Interstate Highway 70 to Topeka and return over the same route; (b) from Atlanta over U.S. Highway 78 to Austell, Ga., thence over U.S.

Highway 278 to Attalla, Ala., thence over U.S. Highway 11 (also over Interstate Highway 59) to Birmingham, Ala., thence over U.S. Highway 78 to Memphis, Tenn., thence to Topeka as described above and return over the same route, serving in connection with both (a) and (b) above, the intermediate points of Memphis, Tenn., Jonesboro and West Memphis, Ark., Springfield and Carthage, Mo., Kansas City, Mo., points in Alabama between the Alabama-Georgia State line and Attalla, Ala., including Attalla and those off-route points within a 15-mile radius of Birmingham and Gadsden, Ala., Atlanta, Ga., Kansas City and Springfield, Mo.; (2) between Springfield, Mo., and Kansas City, Mo.; from Springfield over Missouri Highway 13 to Clinton, Mo., thence over Missouri Highway 7 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (3) between Memphis, Tenn., and Oklahoma City, Okla.; from Memphis over U.S. Highway 70 to West Memphis, Ark., thence over Interstate Highway 40 to Oklahoma City and return over the same route, serving the intermediate points of Little Rock, Russellville, and Fort Smith, Ark., and those off-route points within a 15-mile radius of Little Rock, Ark., and Oklahoma City, Okla.; (4) between West Memphis, Ark., and Oklahoma City, Okla.; from West Memphis over U.S. Highway 70 (also over Interstate Highway 40) to Little Rock, Ark., thence over U.S. Highway 65 to Conway, Ark.

Thence over U.S. Highway 64 to Warner, Okla., thence over U.S. Highway 266 to junction U.S. Highway 62, thence over U.S. Highway 62 to Oklahoma City and return over the same route, serving the intermediate points of Little Rock, Russellville and Fort Smith, Ark., and those off-route points within a 15-mile radius of Little Rock, Ark., and Oklahoma City, Okla.; (5) between Fort Smith, Ark., and Oklahoma City, Okla.; from Fort Smith over U.S. Highway 64 to Tulsa, Okla., thence over U.S. Highway 66 (also over Interstate Highway 44) to Oklahoma City and return over the same route, serving the intermediate points of Muskogee and Tulsa, Okla., and those off-route points within a 15-mile radius of Tulsa and Oklahoma City, Okla.; and (6) between Tulsa, Okla., and Bartlesville, Okla.; from Tulsa over U.S. Highway 75 to junction U.S. Highway 60, thence over U.S. Highway 60 to Bartlesville and return over the same route, serving no intermediate points and serving those off-route points within 15 miles of Bartlesville, Okla. **NOTE:** Applicant states that the above proposed authority will be restricted against the transportation of shipments (a) between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and, on the other, Gadsden and Birmingham, Ala., and Memphis, Tenn., (b) between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and, on the other, Gadsden, Ala., and points within 15 miles thereof, and Memphis, Tenn., and (c) between Gadsden, Ala., and points within 15 miles thereof, on the one hand, and,

on the other, Memphis, Tenn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Kansas City, Mo.

No. MC 115821 (Sub-No. 7), filed September 7, 1965. Applicant: FRANK BEELMAN, JR., St. Libory, Ill. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and points within ten (10) miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 87) (AMENDMENT), filed September 3, 1965, published *FEDERAL REGISTER*, issue September 22, 1965, and republished as amended this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Colorado, Iowa, Kansas, Nebraska, and St. Louis, Mo. **NOTE:** The purpose of this republication is to include St. Louis, Mo., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 116254 (Sub-No. 60), filed September 3, 1965. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer solutions*, from points in Morgan County, Ala., to points in Mississippi. **NOTE:** Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 116300 (Sub-No. 9), filed September 3, 1965. Applicant: NANCE & COLLUMS, INC., Post Office Drawer J, Fernwood, Miss. Applicant's representative: Harold D. Miller, Jr., Suite 700, Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in sacks and packages, (1) from Houma, La., to points in Mississippi and Alabama, and (2) from Reserve, Arabi, Mathews, Supreme, Houma, and Gramercy, La., to points in that part of Florida on and west of a line formed by the Chattahoochee and Apalachicola Rivers. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 116325 (Sub-No. 33), filed September 7, 1965. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jef-

erson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in California, Oregon, Washington, Idaho, and Montana, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Georgia, Kentucky, Tennessee, Missouri, Arkansas, Virginia, West Virginia, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Minnesota, Wisconsin, and the southern peninsula of Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 117119 (Sub-No. 268), filed September 13, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., to points in Utah, Nevada, Washington, Oregon, Idaho, Montana, and Wyoming, restricted to traffic originating at the plant site of Missouri Beef Packers, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117119 (Sub-No. 269), filed September 13, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark., 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to Kansas City, Mo., Amarillo, Tex., Oklahoma City, Okla., and Wichita, Kans. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117439 (Sub-No. 17), filed September 10, 1965. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Port Allen, La. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials*, from the plant site and warehouses of the United States Gypsum Company, at New Orleans, La., to points in Mississippi, Alabama, and that part of Florida on and west of U.S. Highway 319. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 117686 (Sub-No. 61), filed September 10, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat prod-*

ucts, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Alabama, Louisiana, Mississippi, Arkansas, Tennessee, Texas, and Oklahoma. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 62), filed September 13, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends, and ingredients* to be used in further manufacturing processes, transportation of which does not require special equipment or bulk or tank vehicles, (5) *inedible meats, meat products, and meat byproducts, lard tallow, and oils*, (6) *agricultural products* and those commodities embraced in section 203(b) (6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, (7) *frozen animal and poultry foods*, (8) *industrial products*, in packages, requiring refrigeration, and (9) *coffee, condensed, coffee extracts, coffee, green, tea and tea dust and sugar*, from Gulfport, Miss., to points in North Dakota, Minnesota, South Dakota, Nebraska, Iowa, Kansas, Missouri, and Colorado. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Gulfport, Miss.

No. MC 117815 (Sub-No. 63), filed September 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Wood River, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Nebraska, Michigan, Minnesota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 64), filed September 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, apple juice, and sweet cider*, from Bailey, Mich., to points in Iowa and Nebraska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 117815 (Sub-No. 65), filed September 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the Distribution Center of Michigan Fruit Canners, located approximately two (2) miles west of Coloma, Mich., to points in Indiana, Illinois, Ohio, Iowa, and Wisconsin. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 66), filed September 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board*, finished or not finished, with or without decorative or protective material, and accessories and supplies used in the installation thereof, from Wright City, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 117815 (Sub-No. 67), filed September 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, other than frozen meats, from Fairmont, Albert Lea, Worthington, Mankato, and Winnebago, Minn., to Kansas City, Kans., points in Missouri, Kentucky, Indiana, Ohio, and points in Michigan on, south, and west of U.S. Highway 10 between and including Ludington and Flint, Mich., and on and south of Michigan Highway 21 between Flint and Port Huron, Mich., including Port Huron. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 117815 (Sub-No. 68), filed September 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packing-houses and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers*, from Iowa Falls, Iowa, to points in Indiana, Illinois, Minnesota, Nebraska, Wisconsin, Michigan, Missouri, and Kansas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117883 (Sub-No. 61), filed September 7, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West

Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 117883 (Sub-No. 62), filed September 7, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers*, with or without caps, covers or stoppers, and paper cartons, used in the packing of glassware and glass containers, from Winchester, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 118075 (Sub-No. 2), filed September 7, 1965. Applicant: G. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 1917 West Grant Street, Phoenix, Ariz. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz., 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and cheese*, from points in Idaho to points in Arizona. **NOTE:** Applicant states it proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 118808 (Sub-No. 6), filed September 9, 1965. Applicant: A. B. C. EXPRESS COMPANY, a corporation, Fifth Street and Columbia Avenue, Philadelphia 22, Pa. Applicant's representative: Anthony C. Vance, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between Philadelphia, Pa., on the one hand, and, on the other, Broomall, Willow Grove, and Plymouth Meeting, Pa. **NOTE:** Applicant states that the proposed service is limited to a transportation service to be performed under a continuing contract with LIT Brothers, Philadelphia, Pa. This application was accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 46), filed September 10, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass products* (a) from Washington, Pa., to Cincinnati and Cleveland, Ohio, and points in Illinois, Indiana, Kentucky, and Michigan, and (b) from Zanesville, Ohio to Pittsburgh and Washington, Pa., and (2) *materials and supplies used in or incidental to the manufacture of glass products*, from points in Illinois, Indiana, Kentucky, and Michigan, to Washington, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 115), filed September 7, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100

South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Offal*, derived from the slaughter and/or processing of livestock, poultry and/or fish, from points in Minnesota, to Winneconne, Wis. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 116), filed September 7, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaFayette, Ind., to Chicago, East St. Louis, Peoria and Rock Island, Ill., and Cincinnati, Cleveland and Columbus, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 117), filed September 13, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat, meat products, meat byproducts, carnivorous animal food*, all when fit for animal consumption only, in vehicles equipped with mechanical refrigeration, between the plantsite of Campbell & Co., located at or near Mattoon, Ill., and points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill. or Terre Haute, Ind.

No. MC 119767 (Sub-No. 118), filed September 13, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Boscobel, Wis. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 119767 (Sub-No. 119), filed September 13, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrups* (except coloring syrups) in bulk, in tank vehicles, from Louisville, Ky., to Columbus, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 120), filed September 13, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Bur-

lington, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), from points in Wisconsin, to points in Kentucky, Michigan, and Missouri (except St. Louis). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119777 (Sub-No. 43), filed September 10, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Allenport and Monessen, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the Lower Peninsula of Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 119816 (Sub-No. 5), filed September 10, 1965. Applicant: FLEETLINE, INC., 1934 Oakdale Avenue, West St. Paul, Minn. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in sections A, B, and C in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato and Worthington, Minn. to points in Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and the Upper Peninsula of Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119944 (Sub-No. 8), filed September 8, 1965. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, N.J., 08876. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from the New York Central System rail terminals located in New Jersey, to points in New Jersey, New York, N.Y., and points in Suffolk, Nassau, Westchester, Rockland, Putnam, Dutchess, Orange, Sullivan, Greene, Columbia, and Ulster Counties, N.Y., Fairfield, New Haven, Litchfield, Hartford and Middlesex Counties, Conn., New Castle County, Del., and Wayne, Lackawanna, Wyoming, Luzerne, Carbon, Monroe, Northampton, Lehigh, Bucks, Berks, Montgomery, Chester, Philadelphia, Schuylkill, Delaware, York, Lancaster, Dauphin, and Lebanon Counties, Pa., restricted to shipments having a prior movement by rail. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 123393 (Sub-No. 81), filed September 13, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from Freeport, Tex., to points in Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 123393 (Sub-No. 88), filed September 13, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, from Robbinsville, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Pennsylvania, Virginia, Ohio, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123393 (Sub-No. 89), filed September 13, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in Georgia, Florida, Ohio, Wisconsin, Michigan, Tennessee, Arkansas, Kentucky, Indiana, West Virginia, Virginia, Illinois, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124105 (Sub-No. 19), filed September 2, 1965. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham, Ala. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, from the plant site of the U.S. Gypsum Co. located at or near Montevallo, Ala., to points in Florida, Georgia, North Carolina, Mississippi, South Carolina, Tennessee, and that part of Louisiana on and east of the Mississippi River. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 124111 (Sub-No. 8), filed September 3, 1965. Applicant: SANDUSKY TRUCK AND TRAILER COMPANY, a corporation, Post Office Box 2297, Sandusky, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, 5844-5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Toledo, Cleveland and

Sandusky, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124154 (Sub-No. 18), filed September 10, 1965. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga., 31705. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in McDuffie County, Ga., to New Orleans, La. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 55), filed September 7, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Summer Street, Post Office Box 824, Lincoln, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles), from points in Nebraska (except Omaha, and West Point), to points in Indiana, Michigan, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 124251 (Sub-No. 13), filed September 7, 1965. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's representative: Ariel V. Conlin, Suite 626 Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feldspar and feldspathic filler*, in bulk and in bags, from points in Mitchell County, N.C., to points in Tennessee and Georgia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124569 (Sub-No. 7), filed September 7, 1965. Applicant: JOHN HUSZAR, JR., doing business as HUSZAR'S VEGETABLE FARM, Route 1, Box 204, Holden, La. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, in bottles, from Ponchatoula, La., to points in Alabama, Mississippi, Texas, and Georgia; (2) *empty carbonated beverage bottles*, from Jackson, Miss., Atlanta, Ga., and Waco and Palestine, Tex., to Ponchatoula, La.; and (3) *carbonated beverage (Root Beer) concentrate*, from Chicago, Ill., to Ponchatoula, La. **NOTE:** Applicant states that the above proposed operations will be conducted for the account of Dad's Bottling Co. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124569 (Sub-No. 8), filed September 2, 1965. Applicant: JOHN HUSZAR, JR., doing business as HUSZAR'S VEGETABLE FARM, Route 1, Box 204, Holden, La., 70744. Authority sought to operate as a contract carrier, by motor

vehicle, over irregular routes, transporting: (1) *Texture*, in bags from Hammond, La., to points in North Carolina, South Carolina, Virginia, Maryland, and the District of Columbia; and (2) *raw materials* used in the manufacture of texture, from points in the above specified destination territory, to Hammond, La. **NOTE:** Applicant states that the above proposed service will be performed for Lee Forbes Co., Inc. Applicant states that "texture" is a dry wall product used in finishing walls where sheetrock has been used. It is made up in a powder form and when ready to use, is mixed with water to form a plaster. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 125251 (Sub-No. 2), filed September 9, 1965. Applicant: LAWRENCE JACOBSON, doing business as JACOBSON TRANSPORT, 1112 2d Avenue South, Wheaton, Minn. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Aberdeen, S. Dak., and points within 15 miles thereof, to points in Minnesota and North Dakota, and (2) from Jamestown, N. Dak., and points within 15 miles thereof, to points in Minnesota and South Dakota. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125368 (Sub-No. 11), filed September 3, 1965. Applicant: CONNELL TRANSPORT CO. INC., Post Office Box 387, Wheatland, Pa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing houses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Mankato and Worthington, Minn. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, and the District of Columbia. **NOTE:** Applicant is also authorized to conduct operations as a contract carrier in Permit MC 111442 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125826 (Sub-No. 4), filed September 7, 1965. Applicant: JAMES E. BARTLESON AND CHARLES BARTLESON, a partnership, doing business as BARTLESON BROTHERS, Box 116C Pennsville-Pedricktown Road, Penns Grove, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide*, from the plantsite of Cardox Division of Chemetron Corp., located at Gibbstown, N.J.,

to the depot operated by Cardox Division of Chemetron Corp., located at Buffalo, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125890 (Sub-No. 1) (AMENDMENT), filed July 14, 1965, published FEDERAL REGISTER, issue of August 4, 1965, amended August 19, 1965, and republished as amended this issue. Applicant: ARROW TOWING SERVICE CORP., 450 12th Street, Brooklyn, N.Y., 11215. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, dismantled, abandoned, and repossessed motor vehicles and replacements therefor* (except trailers designed to be drawn by passenger automobiles), *fork lift trucks*, and *used car and truck cranes*, between points in New York, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, New Hampshire, Ohio, Pennsylvania, Delaware, Maryland, Virginia, Maine, and the District of Columbia. **NOTE:** The purpose of this republication is to clearly set forth the authority sought. Applicant states should the above authority be granted, it will surrender its authority in MC 125890. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126145 (Sub-No. 6), filed September 9, 1965. Applicant: PHILLIPS TRUCKING, a corporation, 20299 Valley Boulevard, Rialto, Calif. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer*, in bulk, from points in Yuma County, Ariz., to points in Imperial County, Calif. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126462 (Sub-No. 2), filed September 9, 1965. Applicant: WILLIAM RITCHIE CAMERON, doing business as W. R. CAMERON, 4 Adie Place, St. Catharines, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: *Zircon sand*, from ports of entry on the international boundary line between the United States and Canada, located at Niagara Falls and Lewiston, N.Y., to Niagara Falls, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126812 (Sub-No. 1), filed August 23, 1965. Applicant: TWAY VAN & STORAGE COMPANY, a corporation, 2207 Izard Street, Omaha, Nebr. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Council Bluffs, Iowa, and Omaha, Nebr., on the one hand, and, on the other, points in Washington, Douglas, Sarpy, and Cass Counties, Nebr.,

and points in Harrison, Potawattamie, and Mills Counties, Iowa, on traffic having a prior or subsequent out-of-state movement. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127008 (Sub-No. 2), filed September 20, 1965. Applicant: AUGUST LIST, doing business as AUGUST LIST & SON, 130 Dewey Street, Sun Prairie, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Animal feeds and livestock minerals and animal health medications*, from Minneapolis, Minn., to points in Dane, La Crosse, Monroe, Vernon, Juneau, Sauk, and Richland Counties, Wis. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 127008 (Sub-No. 3) filed September 20, 1965. Applicant: AUGUST LIST, doing business as AUGUST LIST & SON, 130 Dewey Street, Sun Prairie, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Animal feeds and livestock minerals and animal health medications*, from Madison, Wis., to points in Jo Daviess, Stephenson, Winnebago, Carroll, Ogle, De Kalb, Whiteside, Lee, Henry, Mercer, Bureau, La Salle, Grundy, Will, Putnam, Warren, Knox, Kankakee, Boone, McHenry, and Kane Counties, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 127042 (Sub-No. 6) filed September 9, 1965. Applicant: HAGEN, INC., 4120 Floyd Avenue, Sioux City, Iowa. Applicant's representative: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn. to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming, and *damaged and rejected shipments*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127228 (Sub-No. 1), filed September 8, 1965. Applicant: GEORGE PHILLIPS, doing business as P-5 TRUCKING CO., 5 Hansen Road, Old Bridge, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Baker's materials and supplies* except commodities in bulk in tank vehicles and articles which because of size, shape or weight require the use of special equipment and/or special handling, between the plantsite of Federal Bakers Supplies Corp., at Garfield, N.J., and points in Massachusetts. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127308 (Sub-No. 1), filed September 7, 1965. Applicant: E. T.

COREY, 1317 McDonald, Sioux City, Iowa. Applicant's representative: James D. Hart, 222 Davidson Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk or in packages, *agricultural chemicals*, in packages, and *equipment and supplies* incidental to the application or use thereof, between the place of manufacture, processing and packaging at the plantsite of American Cyanamid Co. at South Sioux City, Nebr., on the one hand, and, on the other, points in Iowa, Minnesota, and South Dakota. NOTE: Applicant states all transportation named is restricted to a continuing contract with American Cyanamid Co. of Princeton, N.J., with a branch plantsite at South Sioux City, Nebr. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127400 (Sub-No. 1) (Correction) published in FEDERAL REGISTER, issue of July 29, 1965, and republished this issue. Applicant: CAPUANO DELIVERY SERVICE, INC., 105-45 180th Street, Jamaica, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. NOTE: The purpose of this republication is to show correct name of applicant, as shown above, in lieu of Capuano Trucking Co., Inc., as shown in the application, as filed, in error.

No. MC 127547 (Sub-No. 1), filed September 7, 1965. Applicant: ALDRON LEASING CORPORATION, 610 West Walnut Street, Fairbury, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing, electrical conduit, and wrought steel pipe*, from Fairbury, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, under contract with International Tube Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127569, filed September 7, 1965. Applicant: MILDRED BOVE, doing business as M. BOVE TRUCKING, 2390 Morris Park Avenue, Bronx, N.Y. Applicant's representative: Harry Grossman, 545 Fifth Avenue, New York, N.Y., 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Quilting and quilting wastes*, from Astoria, N.Y., to Brunswick, Ga.; Sallito, Miss.; Heath Springs, S.C.; Chase City, Va.; and Belding, Mich., and *quilting wastes*, on return. NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 127570 filed September 7, 1965. Applicant: HARRY MARTIN, doing business as MARTIN TRAILER TOWERS, 4037 Jefferson Highway, New Orleans, La., 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers or mobile homes*, to be drawn by motive power, from points in Louisiana,

to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 127571 filed September 7, 1965. Applicant: GARY C. BULMAN, doing business as BULMAN TRUCKING SERVICE, Waukon, Iowa. Applicant's representative: Lynn W. Morrow, 23 Al-lamakee Street, Waukon, Iowa, 52172. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from Waukon, Waterville, Luana, Elgin, West Union, Hawkeye, Fayette, Fredericksburg, St. Olaf, Maryville, and Nordness, Iowa, to Chicago, Ill., and (2) *fertilizer*, from Prairie du Chien, Wis., to Waukon and Decorah, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waukon, Iowa.

No. MC 127573 filed September 9, 1965. Applicant: C&D FUEL CO., INC., 902 West 134th Street, Riverdale, Ill., 60627. Applicant's representative: Harold E. Marks, 208 South La Salle Street, Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from Blue Island, Ill., to points in Porter County, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127580 filed September 10, 1965. Applicant: H. P. HALE, Route 2, Box 166, Roswell, N. Mex. Applicant's representative: H. O. Waggoner, Simms Building, Post Office Box 1035, Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona and New Mexico to points in New Mexico and Texas, and *exempt products*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 127581, filed September 13, 1965. Applicant: POSEY CALVIN EDWARDS, Route 1, Stoneville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 48909 (Sub-No. 3), filed September 3, 1965. Applicant: SEYMOUR TRANSFER LINES, INC., 140 East Wisconsin Avenue, Seymour, Wis. Applicant's representative: Claude J. Jasper, 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Iola, Wis., and junction Wisconsin Highways 13 and 21 near Arkdale, Wis.; from Iola over Wisconsin Highway 161 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 10 at Amherst Junction, Wis., thence over U.S.

Highway 10 to junction U.S. Highway 51 at or near Stevens Point, Wis., thence over U.S. Highway 51 to junction Wisconsin Highway 54 at Plover, Wis., thence over Wisconsin Highway 54 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 13 to junction Wisconsin Highway 21 near Arkdale, Wis., and return over the same route, serving all intermediate points; (2) between Wisconsin Rapids, Wis., and junction Wisconsin Highways 73 and 13 south of Wisconsin Rapids, over Wisconsin Highway 73 through Port Edwards and Nekoosa, Wis., serving all intermediate points; (3) between junction U.S. Highway 12 and Wisconsin Highway 21 and junction Wisconsin Highway 21 and U.S. Highway 16 at Sparta, Wis., over Wisconsin Highway 21, serving all intermediate points. NOTE: Applicant is also authorized to conduct operations as a *common carrier* of property in Certificate No. MC 26990 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 96007 (Sub-No. 23), filed September 2, 1965. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, beginning and ending at Manchester, Bedford, Reeds Ferry, Merrimack, Thornton's Ferry, Litchfield, Nashua, Hudson, Windham, North Londonderry, Derry, and Salem, N.H.; and Lowell, Lawrence, Andover, Reading, Wakefield, Stoneham, Malden, Arlington, Medford, Somerville, and Cambridge, Mass., and extending to the Suffolk Downs Racetrack, at or near East Boston, Mass., Wonderland Dogtrack at or near Revere, Mass., Lincoln Downs Racetrack at or near Lincoln, R.I., and Narragansett Park at or near Pawtucket, R.I. NOTE: Common control may be involved. Applicant states the proposed operation will be seasonal during events scheduled at Lincoln Downs, Narragansett Park, Suffolk Downs, and Wonderland Dogtrack. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117215 (Sub-No. 2), filed September 9, 1965. Applicant: LEO RAYMOND BOUFFARD, 88 Arlington Avenue, Warren, R.I. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass., 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special round-trip operations, beginning and ending at New Bedford, Mass., and extending to Warren, Providence, and Pawtucket, R.I., restricted to the transportation of passengers who at the time are traveling for the purpose of participating in games commonly referred to as beano and bingo games. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 117806 (Sub-No. 10), filed September 8, 1965. Applicant: ANTIETAM TRANSIT COMPANY, INC., 437 East Baltimore Street, Hagerstown, Md. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Wash-

ington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip sightseeing and pleasure tours, in special operations, beginning and ending at all points on the following specified routes (as previously authorized): (1) Between Hagerstown, Md., and Greencastle, Pa., over U.S. Highway 11, serving all intermediate points; (2) between Hagerstown, Md., and Keedysville, Md.; from Hagerstown over Maryland Highway 65 through Lappans, Md., to Sharpsburg, Md., thence over Maryland Highway 34 to Keedysville and return over the same route, serving all intermediate points; (3) between Kearneysville, W. Va., and the Newton D. Baker General Hospital, West Virginia, over West Virginia Highway 9, serving no intermediate points; (4) between Hagerstown, Md., and Smithsburg, Md.; from Hagerstown over unnumbered highway through Chewsville and Cave-town, Md., to Smithsburg and return over the same route, serving all intermediate points; (5) between Sharpsburg, Md., and Charles Town, W. Va.; from Sharpsburg over Maryland Highway 34 to the Maryland-West Virginia State line, thence over West Virginia Highway 48 to junction West Virginia Highway 9, thence over West Virginia Highway 9 to Charles Town and return over the same route, serving all intermediate points; and (6) between Hagerstown, Md., and Kearneysville, W. Va.; from Hagerstown over Interstate Highway 81 to junction West Virginia Highway 9, thence over West Virginia Highway 9 to Kearneysville and return over the same route, serving no intermediate points; and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 119860 (Sub-No. 2), filed September 8, 1965. Applicant: CAPITAL COACH LINES CO. LTD., Ogilvie Road, Cyrrville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, charter operations, beginning and ending at the ports of entry located on the international boundary line between the United States and Canada, and extending to points in the United States (except Alaska and Hawaii), restricted to foreign commerce only and further restricted to the origination of charter operations in Canada. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

APPLICATIONS FOR WATER CARRIERS

No. W-1215 (Sub-No. 1) NANTUCKET EXPRESS LINES, INC., filed September 20, 1965. Common carrier application.

Applicant: NANTUCKET EXPRESS LINES, INC., Pleasant Street, Hyannis, Mass. Applicant's representative: Roger F. Turner, 286 Central Avenue, Milton, Mass., 02187. Application filed September 15, 1965, for a certificate, covering a new operation under Part III of the Interstate Commerce Act, in year round operation in the transportation of passengers and property generally as follows: (1) Between Hyannis and Nantucket, Mass., daily from June 1 to September 31st, (2) between Hyannis and Martha's Vineyard, Mass., 3 days per week from October 1 to May 31, and (3) between Hyannis and Nantucket, Mass., and between Hyannis and Martha's Vineyard, Mass., as required for balance of year. **NOTE:** Applicant requests no hearing, however, if a hearing is deemed necessary, applicant requests it be held at Boston or New Bedford, Mass.

WATER CARRIER OF PROPERTY

No. W-1220 AMERICAN RIVER LINES, INC., common carrier application. Applicant: AMERICAN RIVER LINES, INC., Lake Ferguson, Post Office Box 853, Greenville, Miss. Applicant's representative: Douglas C. Wynn, 364-365 May Building, Greenville, Miss., 38701. Application filed September 20, 1965 for a certificate, covering a new operation under Part III of the Interstate Commerce Act, in year around operation in the transportation of property as follows: (1) From the Port of Greenville, Miss. (Lake Ferguson), on the Mississippi River, via the Mississippi River to Arkansas City, Ark. (biweekly), and Rosedale, Miss. (biweekly), thence via Mississippi River to Arkansas River (through navigable mouth of either Arkansas or White Rivers) to the Head of Navigation of Arkansas River, and return to Greenville, Miss., serving all points and places on the Mississippi and Arkansas Rivers between Greenville, Miss., and the Head of Navigation of the Arkansas River biweekly or oftener, including, but not limited to Pine Bluff, Little Rock, Morrilton, Dardanelle, Russellville, Clarksville, Ozark, Van Buren, and Fort Smith, Ark., and Sallis, Fort Gibson and Tulsa, Okla., with right to interline and interchange at all points and places on said route, and (2) all points, places, docks, and landings on the Mississippi River between the Port of Greenville, Miss. (Lake Ferguson), on the Mississippi River and the Head of Navigation of the Arkansas River (via the navigable mouths of the Arkansas or White Rivers) with too little traffic to warrant biweekly revenue calls will be served with weekly revenue calls.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1222 (Sub-No. 23) (Clarification), filed August 23, 1965, published FEDERAL REGISTER issue September 9, 1965, and republished as clarified this issue. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractories*, (a) from Ashland and Taylor, Ky., and Portsmouth, Ohio, to points in Indiana and Ohio (except those on applicant's authorized regular routes, and except those on Ohio Highway 7 between Chesapeake and Belpre, Ohio), and *empty containers and pallets* used in transporting the commodities specified, on return, (b) from Oak Hill, Ohio, to Cambridge City, Ind., and (c) from Hayward, Haldeman, Hitchins, and Olive Hill, Ky., to points in that part of Pennsylvania on and west of U.S. Highway 219, and *empty pallets and skids* used in transporting the commodities on return, and (2) *brick and refractories*, (a) from Ironton and Portsmouth, Ohio, to points in Illinois and the Upper Peninsula of Michigan, and (b) from Ashland, Olive Hill, Hitchins, and Grahn, Ky., and the plantsite of Charles Taylor Sons Co., located near Fullerton, Ky., to points in Illinois and Michigan. **NOTE:** Applicant states it "presently is rendering service under its existing authority in MC 1222, MC 1222 Sub 15, and MC 1222 Sub 17 which authorizes the transportation of firebrick, fire clay, fire clay products, high temperature bonding mortar, brick, and plastic firebrick. The territory authorized under such existing authority is identical to that set out in paragraphs (1) (a), (b), and (c), and (2) (a) and (b) above. Continuing technological changes in the composition and nomenclature of refractory products has led to a question as to the adequacy of the commodity descriptions in applicant's existing authority. The purpose of this application is to permit applicant to continue to render a complete service for the same shippers it has served in the past." The purpose of this republication is to include the note shown above and not included in previous publication.

No. MC 35628 (Sub-No. 266), filed September 9, 1965. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids, Mich., 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Baird Chemical Industries, Inc., near Mapleton, Ill., on U.S. Highway 24, as an intermediate point in connection with applicant's regular-route operations between Chicago, Ill., and St. Louis, Mo., as authorized in MC 35628.

No. MC 52917 (Sub-No. 53), filed March 1, 1965. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (South Bound) (A) *Fresh meats and processed foods*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to Washington, D.C.: (1) From New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway

130 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 1 in the city of Baltimore, Md., thence over U.S. Highway 1 to Washington, and (2) from New York, as specified above to junction U.S. Highways 130 and 40, thence over U.S. Highway 40 via Baltimore Harbor Tunnel to junction Maryland Highway 3, thence over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, serving in (1) and (2) above, the intermediate points of Newark and Jersey City, N.J., and Baltimore, Md., and the off-route point of Kearny, N.J.

NOTE: Applicant seeks authority, in addition to that shown above, for the transportation of: (B) *Frozen fruits, frozen berries, and frozen vegetables* (for delivery only), from the intermediate point of Jersey City, N.J., to Baltimore, Md.; service restricted to the transportation of: (C) *meat, meat products, and meat byproducts, and dairy products* as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *frozen sea food*, in refrigerated equipment, at the off-route point of Philadelphia, Pa.; (D) the commodity specified in (B) above (for delivery only), from the off-route point of Philadelphia, Pa., to Baltimore, Md.; service restricted to the transportation of: (E) *processed foods* (except canned goods) and *fresh meats*, in vehicles equipped with mechanical refrigeration, at the off-route point of Wilmington, Del.; and (F) *fish* (including shell fish) and *agricultural commodities* (not including manufactured products thereof) when transported at the same time and in the same vehicle with commodities presently authorized in applicant's certificate in No. MC 52917 (for delivery only), from the terminus of New York, N.Y., and the off-route point of Philadelphia, Pa., to Baltimore, Md.; and (3) from New York, N.Y., as specified above to New Jersey Turnpike, at or near Jersey City, N.J., thence over New Jersey Turnpike to junction Interstate Highway 95, thence over Interstate Highway 95 via Baltimore Harbor Tunnel to junction Maryland Highway 3, thence over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, serving no intermediate points; (G) (northbound) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., to New York, N.Y.; (1) From Baltimore over U.S. Highway 40 to junction U.S. Highway 130.

Thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, (2) from Baltimore over U.S. Highway 40 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction U.S. Highway 1, at or near Jersey City, N.J., thence over U.S. Highway 1 to New York, and (3) from Baltimore, over U.S. Highway 40 to junction Interstate Highway 95, thence over Interstate Highway 95 to

junction New Jersey Turnpike, thence over New Jersey Turnpike to junction U.S. Highway 1 at or near Jersey City, N.J., thence over U.S. Highway 1 to New York, serving in (1), (2), and (3), above, the intermediate and/or off-route points of Elizabeth, Newark, Jersey City, Bridgeton, and Camden, N.J., Philadelphia, Chester, and Marcus Hook, Pa., and Wilmington, Del. NOTE: Applicant states it is agreeable to the acceptance of a suitable restriction following the grant of the above authority which would preclude conducting regular and irregular operations between the same points, but seeks retention of the right to be able to conduct irregular route operations via existing gateways or tacking points, and also the right to tack regular route authority with irregular authority in the conduct of its future operations. This application is filed pursuant to MC-C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 102616 (Sub-No. 772), filed September 7, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Huntington, W. Va.

No. MC 116063 (Sub-No. 77), filed September 7, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugars, syrups and blends thereof*, in bulk, from Abilene, Tex., to points in Arkansas, Louisiana, New Mexico, and Oklahoma.

No. MC 124047 (Sub-No. 34), filed September 8, 1965. Applicant: SCHWERTMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Zipperski (same address as applicant). Authority sought to operate as a common carrier, by motor carrier, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Cairo, Ohio, to Bluffton, Ind.

No. MC 125403 (Sub-No. 3), filed September 3, 1965. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, N.Y., 14623. Applicant's representative: Raymond A. Richards, Post Office Box 25, Webster, N.Y., 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Baby supplies and bakery goods* (other than teething biscuits), from the plantsite of Gerber Products Co., located at Rochester, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 86), filed September 7, 1965. Applicant: GREY-HOUND LINES, INC., 140 South Dear-

born Street, Chicago 3, Ill. Applicant's representative: Robert J. Bernard (address same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, (1) between Orange Lake and Ocala, Fla., over relocated U.S. Highway 441, serving all intermediate points and (2) between Citra and Ocala, Fla., over relocated U.S. Highway 301, serving all intermediate points.

No. MC 1515 (Sub-No. 87), filed September 7, 1965. Applicant: GREY-HOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's representative: Earl A. Bagby, 371 Market Street, San Francisco, Calif., 94105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers. Revision of California Route No. 61 on Certificate Sheet No. 16. Establish a new regular-route of operation over a relocated segment of California Highway 14 between Vincent Junction and Ward Road Overcrossing, to be included as a segment of regular Route No. 61, in lieu of the presently authorized segment of said route between said termini, herein proposed to be revoked, to read as follows: "Between junction U.S. Highway 395 and the California-Nevada State line north of Coleville, Calif., and Saugus, Calif.; from junction U.S. Highway 395 and the California-Nevada State line north of Coleville, over U.S. Highway 395 to junction unnumbered highway (Brown Junction), thence over unnumbered highway to Inyokern, Calif., thence over California Highway 178 to junction California Highway 14 (Inyokern Junction), thence over California Highway 14 to junction unnumbered highway east of Saugus (North Saugus Road Junction), thence over unnumbered highway to Saugus," and return over the same route, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of former Certificate No. MC 1501 (Sub-No. 138), now assigned MC 1515 (Sub-No. 7). NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to said Certificate No. MC 1501 (Sub-No. 138), now MC 1515 (Sub-No. 7). Common control may be involved.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-10320; Filed, Sept. 29, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 27, 1965.

Protests to the granting of an application must be prepared in accordance with § 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. 40037—Common line from points in Wisconsin. Filed by Western Trunk Line Committee, agent (No. A-2425), for interested rail carriers. Rates on line, common, viz.: lump, crushed, pulverized, hydrated or quick, in carloads, from points in Wisconsin, to points in Missouri and Nebraska.

Grounds for relief—Market competition.

Tariff—Supplement 63 to Western Trunk Line Committee, agent, tariff I.C.C. A-4360.

FSA No. 40038—Anhydrous ammonia to points in Wyoming. Filed by Southwestern Freight Bureau, agent (No. B-8759), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from points in southwestern territory, to points in Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 141 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-10416; Filed, Sept. 29, 1965; 8:47 a.m.]

[Notice 55]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 27, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 118899 (Sub-No. 5 TA), filed September 23, 1965. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER, and LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville, Md., 21228. Applicant's representative: George I. Halter

(same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Colonial Pipe Line outlet, Manassas, Va., to Oxon Hill, Md., for 180 days. Supporting shipper: E. J. Read and Sons, Inc., 9116 Livingston Road SE, Washington, D.C., 20022. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 103 South Gay Street, Baltimore, Md., 21202.

No. MC 124047 (Sub-No. 35 TA), filed September 23, 1965. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperaki (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and dry fertilizer ingredients, in bulk, from Cairo, Ohio, to Bluffton, Ind., for 150 days. Supporting shipper: Hoosier Soil Service Company, Bluffton, Ind., 46714 (Victor H. Knappe, controller). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 127175 (Sub-No. 2 TA), filed September 23, 1965. Applicant: OMER B. WILLIAMS and THOMAS E. WILLIAMS, doing business as WHITE OAK MILL, Route 4, Box 200, Vinita, Okla. Applicant's representative: Omer B. Williams (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry feed, in bags and in bulk, minimum 40,000-pound shipments in full truckloads or split drop with 20,000-pound minimum drop to feed warehouses, from points in Grayson County, Tex., to points in Adair, Alfalfa, Blaine, Caddo, Canadian, Cherokee, Cleveland, Craig, Creek, Delaware, Garfield, Grady, Grant, Haskell, Kingfisher, Major, Mayes, McClain, Muskogee, Nowata, Okmulgee, Osage, Pawnee, Pottawatomie, Rogers, Sequoyia, Tulsa, Wagoner, Washita, and Washington Counties, Okla., for 150 days. Supporting shipper: The Quaker Oats Company, N. J. Meinhardt, Traffic Department, Merchandise Mart Plaza, Chicago, Ill., 60654. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 NW Sixth Street, Oklahoma City, Okla., 73102.

No. 127587 TA, filed September 23, 1965. Applicant: MEXICANA REEFER SERVICES, LTD., 3945 Myrtle Street, Burnaby 2, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Fruits, berries, and vegetables, fresh or frozen, (2) frozen foods and food products, including juices, pies, dinners, and french fried potatoes, and (3) fish, fresh or frozen, when transport-

ed in the same vehicle at the same time as regulated commodities, from points in California, Oregon, and Washington, to the ports of entry on the international boundary between the United States and Canada at or near Blaine and Sumas, Wash., restricted to traffic destined to points in British Columbia and Alberta Provinces, Canada, for 180 days. Supporting shippers: (1) Noren Industries, Ltd., 3740 East Hastings Street, Vancouver, British Columbia; (2) MacDonalds Consolidates Ltd., Supply Division, 8324 Fraser Street, Vancouver 15, British Columbia; (3) Royal City Foods, Ltd., Post Office Box 159, New Westminster, British Columbia; (4) S. H. Blackwell Brokerage Co., Ltd., 2115 Commissioner Street, Vancouver 6, British Columbia; (5) Fraser Valley Frosted Foods, Ltd., Chilliwack, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-10418; Filed, Sept. 29, 1965; 8:47 a.m.]

[Notice 1239]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67873. By supplemental order of September 17, 1965, the Transfer Board approved the transfer to Hahn Truck Line, Inc., an Oklahoma corporation, Oklahoma City, Okla., of the operating rights of Hahn Truck Line, Inc., a Kansas corporation, South Hutchinson, Kans., in certificates Nos. MC-117765 (Sub-No. 15) and MC-117765 (Sub-No. 16), issued May 25, 1965, and May 14, 1965, respectively, authorizing the transportation, over irregular routes, dry fertilizer, fertilizer compounds, fertilizer ingredients, and urea, from Tulsa and Pryor, Okla., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and of petroleum and petroleum products, in cans, drums, packages, and containers, from Enid, Okla., and Wichita, Kans., and points within 5 miles of each origin, to points in Minnesota, North Dakota, and South Dakota, and

from Ponca City, Okla., and points within 5 miles thereof, to points in Minnesota, North Dakota, and Wisconsin. Rufus H. Lawson, 106 Bixler Building, 2400 NW. 23d Street, Oklahoma City 7, Okla., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-10419; Filed, Sept. 29, 1965;
8:47 a.m.]

[Second Rev. S.O. 562; Pfahler's I.C.C.
Order 192]

MISSOURI PACIFIC RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, the Missouri Pacific Railroad Co., is unable to transport traffic over its line between Charenton, La., and New Iberia, La., due to bridge damage.

It is ordered, That,

(a) Rerouting traffic: The Missouri Pacific Railroad Co., and its connections, being unable to transport traffic in accordance with shippers' routing because of bridge damage, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 6 a.m., September 25, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., October 13, 1965, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 25, 1965.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 65-10417; Filed, Sept. 29, 1965;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16498]

AIR-INDIA

Notice of Prehearing Conference

Application of Air-India for amendment of its foreign air carrier permit so as to add Iran as an intermediate point between Egypt and Italy.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 12, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., September 24, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[P.R. Doc. 65-10401; Filed, Sept. 29, 1965;
8:46 a.m.]

[Docket No. 14924]

AMERICAN MILWAUKEE DELETION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on October 20, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 24, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[P.R. Doc. 65-10402; Filed, Sept. 29, 1965;
8:46 a.m.]

[Docket No. 15822]

TRANS-TEXAS AIRWAYS, INC.

Notice of Prehearing Conference

Application of Trans-Texas Airways, Inc., for a certificate of public conven-

ience and necessity authorizing it to engage in the air transportation of passengers, property and mail: (A) Between the terminal point Mission-McAllen-Edinburg, Tex., and the terminal point Monterrey, Mexico; and (B) between the terminal point Harlingen-San Benito, Tex., the intermediate point Tampico, Mexico, and the terminal point Veracruz, Mexico.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 19, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 24, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[P.R. Doc. 65-10403; Filed, Sept. 29, 1965;
8:46 a.m.]

[Docket No. 11614]

UNITED AIR LINES, INC.

Deletion of Route 34 Points; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on October 27, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 24, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[P.R. Doc. 65-10404; Filed, Sept. 29, 1965;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

Designation of Areas for Emergency Loans to Oyster Planters

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter named parishes in the State of Louisiana a natural disaster has caused a need for credit by oyster planters not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Cameron.
Iberia.
Jefferson.
Lafourche.
Livingston.
Orleans.
Plaquemines.
Saint Bernard.

Saint John the Baptist.
Saint Mary.
Saint Tammany.
Tangipahoa.
Terrebonne.
Vermilion.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Louisiana parishes after December 31, 1966, except to oyster planters who are indebted for emergency loans made pursuant to this designation and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of September 1965.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 65-10431; Filed, Sept. 29, 1965;
8:48 a.m.]

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Carolina a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Richmond.

Scotland.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of September 1965.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 65-10432; Filed, Sept. 29, 1965;
8:48 a.m.]

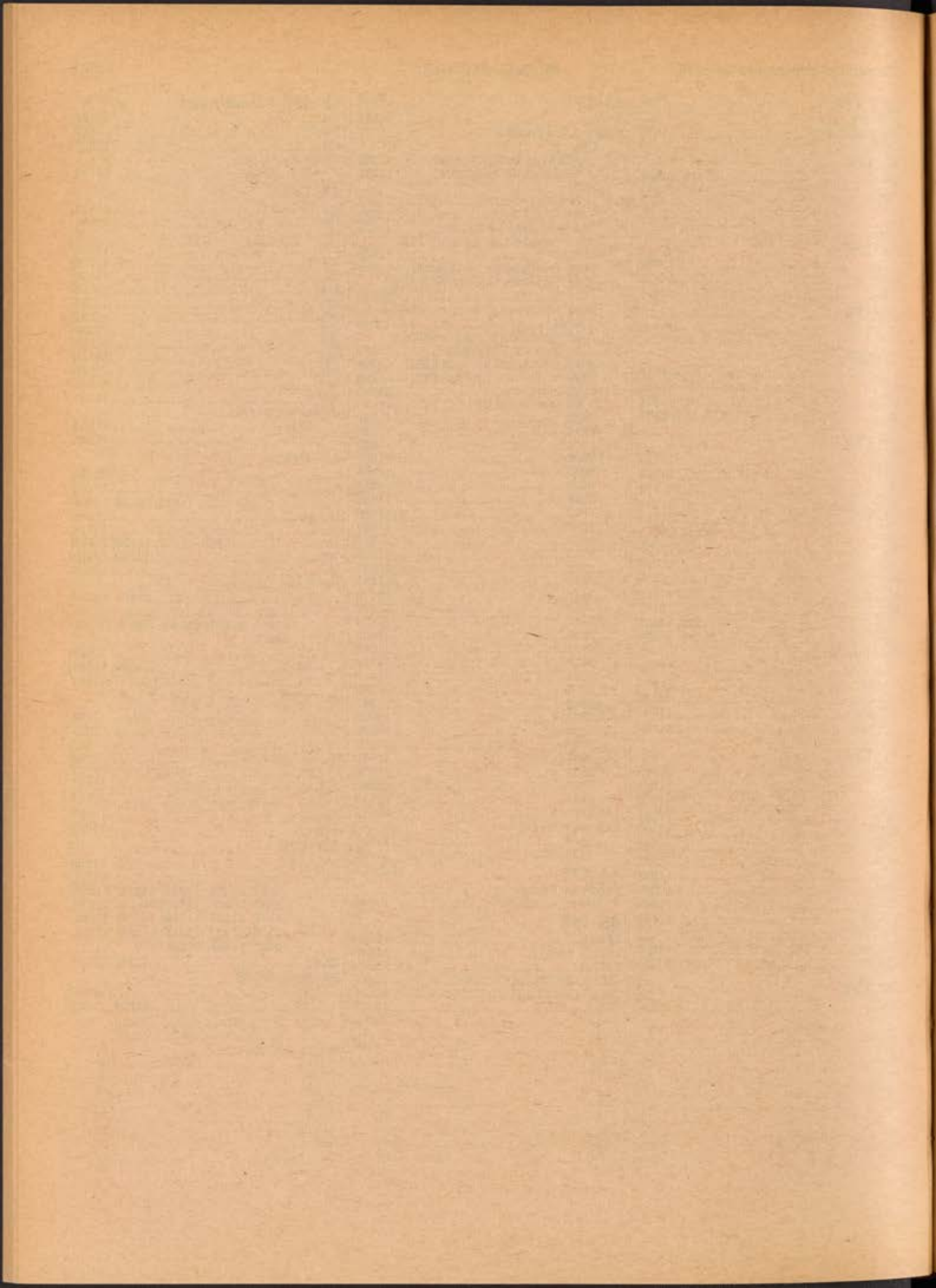
CUMULATIVE LIST OF CFR PARTS AFFECTED—SEPTEMBER

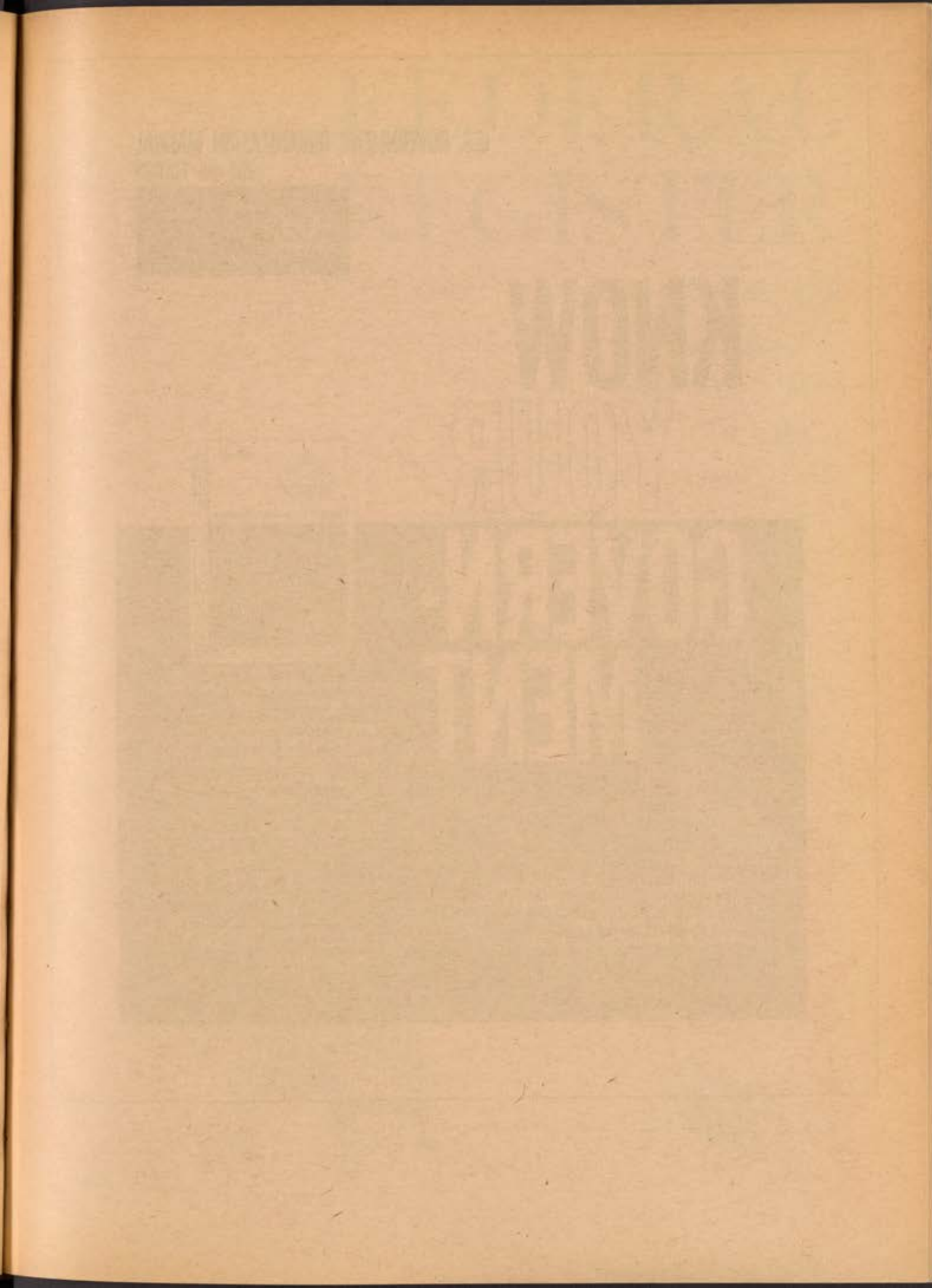
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR	Page	7 CFR	Page	7 CFR—Continued	Page
PROCLAMATIONS:		1	12329	PROPOSED RULES—Continued	
3670	11827	52	11595	925	11530
3671	11829	53	11680	926	11728
3672	12115	81	12117	929	12485
3673	12277	354	12023	932	11611
EXECUTIVE ORDERS:		362	11272	991	11282
July 2, 1910 (modified by PLO		401	11711, 11712	993	11530
3803)	11352	406	11956	1004	11214
(revoked in part by PLO		409	11956, 12329	1005	11627
3812)	11517	701	11371	1030	11694
5799 (revoked by PLO 3803)	11354	728	11831, 12067	1031	11642, 11694
6276 (revoked in part by PLO		729	11345	1032	11694, 11761
3823)	11969	730	12329	1038	11694
6583 (revoked in part by PLO		775	11914	1039	11694
3823)	11969	811	12329	1048	12486
10590 (superseded by EO		813	12282	1050	11761
11246)	12319	850	11680	1051	11694
10722 (superseded by EO		905	11682, 11683	1061	12487
11246)	12319	906	11684, 11685	1062	11694
10925 (superseded by EO		908	11345, 11685, 11959, 12284	1063	11694
11246)	12319	910	11346	1064	12487
11114 (superseded by EO			11373, 11685, 11959, 12024, 12284	1067	11694
11246)	12319	915	11751, 11959, 12117	1070	11694
11157 (amended by EO 11242)	11205	919	11346	1078	11694
11162 (superseded by EO		925	12451	1079	11694
11246)	12319	927	11713	1135	12396
11197 (revoked by EO 11247)	12327	931	12285	1137	12396
11242	11205	944	11713, 11751, 11960		
11243	17709	946	11596		
11244	11945	947	12451		
11245	11947	981	11596		
11246	12319	984	11346		
11247	12327	987	11315, 12452, 12454		
5 CFR		993	12383		
213	11208	1005	12455		
11314, 11371, 11501, 11669, 11903,		1031	12463		
11961, 12117, 12248.		1421	11207, 12117,		
			12118.		
315	12248	1427	12384		
511	11751	1464	11501		
534	11751	1489	12067		
550	11669	PROPOSED RULES:			
731	11846	51	12254		
752	11846	52	11691, 11723		
754	11846	729	11694		
772	11846	730	11282		
831	11209, 12383	Ch. IX	12474		
6 CFR		905	12298		
50	11847				

10 CFR	Page	15 CFR	Page	24 CFR	Page
150	12069	30	11502	203	11318, 11503
PROPOSED RULES:		369	12121	207	11279
30	11923	370	11962, 12121	220	11279
32	11923	371	11964	221	11279
50	12039	372	11964	222	12024
70	12039	373	11964	309	11503
115	12039	374	11965		
140	11873, 12039, 12077	376	11966	25 CFR	
		377	11966	120	11676
12 CFR		380	11966		
8	12282	385	11966	26 CFR	
201	11949	PROPOSED RULES:		1	11854
261	12248	Subtitle A	11390	170	11599
262	12248			201	12353
329	12032	16 CFR		211	12353
525	11714	13	11850, 12032, 12033, 12035, 12290, 12291, 12351, 12352	296	11602
545	11715			PROPOSED RULES:	
561	12119	302	12122	1	11862, 12394
563	12119	PROPOSED RULES:			
PROPOSED RULES:		303	11696	28 CFR	
523	11973			0	12249
525	11973	17 CFR			
541	11973	240	11673, 11851	29 CFR	
545	11974	249	11673	800	11504
563	11975	260	12387	30 CFR	
		269	12387, 12389	41	11349
13 CFR		PROPOSED RULES:			
107	11960	230	12078	31 CFR	
PROPOSED RULES:				360	12330
121	11734	18 CFR		500	12350
		154	12069		
14 CFR		155	12451	32 CFR	
13	12024, 12120	PROPOSED RULES:		1	11997
21	11373, 11376, 11849	141	12360	2	12001
39	11272, 11313, 11347, 11348, 11669, 11670, 11752, 11849, 12120, 12331, 12332, 12385, 12463, 12465	152	12077	3	12001
		153	12077	4	12001
61	11903, 12249	154	11228	5	12004
67	12025	156	12077	6	12005
71	11209, 11313, 11314, 11348, 11380, 11381, 11501, 11597, 11598, 11670-11672, 11716, 11849, 11949, 12026, 12120, 12121, 12332, 12333, 12385, 12386, 12466	157	12077	7	12005
		159	12077	9	12005
73	11314, 11348, 11502, 11850	260	12361	10	12005
75	11314, 12386, 12387	19 CFR		12	12008
95	11310	8	11851	13	12008
97	11273, 11305, 11906, 12027, 12334, 12343	9	11851	15	12011
		10	11317, 11851	16	12021
121	12466	17	11853	30	12021
159	11348	20	11853	95	12391
207	11381	22	12280	140	11918
247	12249	PROPOSED RULES:		160	11677
387	11717	10	11760	165	11677
PROPOSED RULES:		54	11723	184	12391
21	11773	20 CFR		257	11677
37	11695, 11773	602	12292	536	11855
39	11227, 11283, 11732, 11971, 12129	21 CFR		537	11387
		2	11279	591	12155
43	11773	15	11914	592	12171
65	11773	20	11915	593	12173
67	11732	45	11915	594	12187
71	11283, 11328, 11329, 11392-11396, 11644, 11874, 11875, 12040, 12042, 12130, 12359, 12360, 12415-12417	46	11349	595	12191
		120	11915, 11916	596	12192
73	11283, 11695	121	11208, 11753, 11915, 11916, 11950, 11952, 11953, 12070, 12123, 12293	597	12194
105	11733			598	12198
121	11530	132	11916	599	12199
223	12038	141c	11953	600	12208
231	11227	146	11598	601	12213
241	11729	146c	11953	602	12214
243	11729	148x	11754	603	12225
298	11695	307	12466	604	12234
399	11391, 11729	PROPOSED RULES:		605	12235
		16	11921	606	12235
		46	11970	608	12239
		51	11922	610	12239
		141e	11922	729	11718
		146e	11922	761	11919
				1455	11753
				1459	11351
				1808	11718

32A CFR	Page	43 CFR	Page	45 CFR—Continued	Page
OEP (Ch. I):		3320	12391	701	12467
DMO 8505.1	11516	PUBLIC LAND ORDERS:		704	12467
		317		801	12392
		Modified by PLO 3809	11383	PROPOSED RULES:	
		Modified by PLO 3831	12253	635	11396
33 CFR		922			
203	11318, 11967	See PLO 3809	11383	46 CFR	
204	11209, 11318	See PLO 3831	12253	Ch. I	11413
207	11209	990 (see PLO 3817)	11679	160	11581
208	12391	1374 (revoked in part by PLO		164	11581
		3819)	11968	205	11680
36 CFR		2040 (revoked by PLO 3827)	12076	251	11756
7	11388	2345 (revoked in part by PLO		255	12036
311	11920	3826)	12075	272	12356
326	12070	3492 (revoked in part by PLO		282	12356
37 CFR		3825)	12075	285	12356
1	12124	3529 (corrected and revoked		286	12356
		in part by PLO 3815)	11679	287	12356
38 CFR		3591 (corrected by PLO 3807)	11353	292	12356
2	11318	3673 (corrected by PLO 3807)	11353	308	12392
3	11388, 11754, 11855	3767 (corrected)	11604	380	12356
17	11676	3787 (corrected by PLO 3821)	11968	401	11720
21	11319	3802	11326	PROPOSED RULES:	
		3803	11352	531	11284
39 CFR		3804	11327	537	11646
13	11752	3805	11327		
16	11752	3806	11352	47 CFR	
17	11719	3807	11353	0	12124
24	11752	3808	11354	1	12125
29	11603	3809	11383	2	11354, 12125, 12294
31	11677, 11719	3810	11383	15	11354
43	11720	3811	11516	64	12126
53	11720	3812	11517	73	11856, 11857, 11859, 11872
54	11719	3813	11678	74	11859, 12125
61	11719	3814	11679	87	12392
94	11351, 12467	3815	11679	PROPOSED RULES:	
96	11279, 11351	3816	11679	1	12417, 12418
168	11281, 12279	3817	11679	73	11284,
PROPOSED RULES:		3818	11920		11875, 11877-11880, 11972, 12419,
45	11923	3819	11968		12421.
48	11282	3820	11968	81	11881
96	12038	3821	11968	83	11284, 11881
121	11645	3822	11969	91	11881
168	11645	3823	11969		
		3824	12075	49 CFR	
41 CFR		3825	12075	7	12467
4-12	12071	3826	12075	51	11210
9-1	11351	3827	12075	56	11210
9-9	11352	3828	12076	95	12294
9-10	11351	3829	12252	110	11524, 12250, 12251
9-12	11967	3830	12253	170	11757
9-15	11720	3831	12253	179	12467
9-16	11351	PROPOSED RULES:		180	12467
9-51	11351	3107	11355	325	12252
11-1	12249	3120	11329		
11-3	12249	44 CFR		50 CFR	
101-19	11755	401	11728	10	11383
101-26	11603, 11720	PROPOSED RULES:		32	11211,
101-44	11903	401	11728		11212, 11271, 11327, 11386, 11387,
101-47	11281, 12293	45 CFR			11525-11527, 11604-11610, 11678,
		114	12282		11721, 11757, 11759, 11860, 11969,
42 CFR		116	11810		12126, 12127, 12295, 12296, 12358,
401	11517	117	11817		12392, 12468-12473.
		119	11518	33	11327, 12127
		120	11523	PROPOSED RULES:	
		401	12467	32	11529
				33	11529, 12396





U.S. GOVERNMENT ORGANIZATION MANUAL
1965-66 EDITION



KNOW YOUR GOVERN- MENT



Presents authoritative information about Government agencies.

Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

This handbook is an indispensable reference tool for teachers, librarians, scholars, lawyers, and businessmen who need current official information about the U.S. Government.

\$1.75
per copy
paperbound, with charts

The United States Government
Organization Manual is the official
guide to the functions
of the Federal Government

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