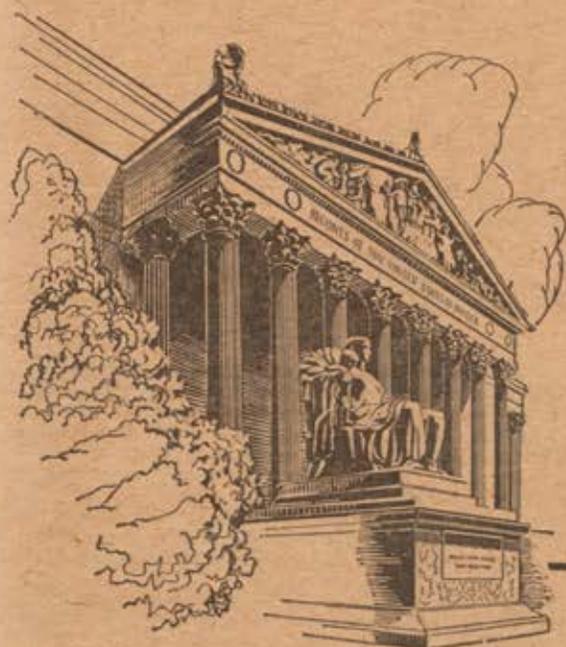


FEDERAL REGISTER

VOLUME 32 • NUMBER 73

Saturday, April 15, 1967 • Washington, D.C.

Pages 6015-6079



Agencies in this issue—

Agricultural Research Service
Air Force Department
Atomic Energy Commission
Business and Defense Services
Administration
Civil Aeronautics Board
Commerce Department
Commodity Credit Corporation
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Defense Department
Emergency Planning Office
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service
Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
Navy Department
Securities and Exchange Commission

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1967)

Title 8—Aliens and Nationality (Revised)
\$0.60

Title 22—Foreign Relations (Revised)
\$1.00

Title 26—Internal Revenue Part 1 (§§ 1.851-
1.1200) (Revised)
\$1.25

Title 47—Telecommunication (Parts 70-79) (Revised)
\$1.00

[A cumulative checklist of CFR issuances for 1967 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402



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, U.S. 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 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. 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	COMPTROLLER OF THE CURRENCY	FEDERAL POWER COMMISSION
Rules and Regulations	Rules and Regulations	Notices
Overtime services relating to imports and exports:	Changes in capital structure; exchange of shares..... 6022	<i>Hearings, etc.:</i>
Administrative instructions prescribing commuted travel time allowances..... 6021	CONSUMER AND MARKETING SERVICE	Cincinnati Gas & Electric Co. and Texas Gas Transmission Corp..... 6070
Commuted travel time allowances..... 6019	Rules and Regulations	Panhandle Eastern Pipe Line Co..... 6071
AGRICULTURE DEPARTMENT	Handling limitations:	Sells Petroleum Inc., et al..... 6065
<i>See Agricultural Research Service; Commodity Credit Corporation; Consumer and Marketing Service.</i>	Grapefruit grown in Indian River District in Florida..... 6020	Tennessee Gas Pipeline Co..... 6070
AIR FORCE DEPARTMENT	Lemons grown in California and Arizona..... 6020	Trunkline Gas Co..... 6071
Rules and Regulations	Navel oranges grown in Arizona and designated part of California..... 6019	FEDERAL RESERVE SYSTEM
Miscellaneous amendments to chapter..... 6032	Valencia oranges grown in Arizona and designated part of California..... 6019	Notices
ATOMIC ENERGY COMMISSION	Special services relating to meat and other product; definition of food article..... 6021	Union County Trust Co.; order approving merger of banks..... 6071
Notices	Proposed Rule Making	FEDERAL TRADE COMMISSION
Isochem, Inc., order granting withdrawal of application and terminating proceeding..... 6064	Milk handling:	Rules and Regulations
Rochester Gas and Electric Corp.; issuance of amendment to provisional construction permit..... 6064	Chicago, Ill., marketing area et al..... 6035	Administrative opinions and rulings; permissible period of time during which new product may be described as "new"..... 6023
BUSINESS AND DEFENSE SERVICES ADMINISTRATION	Northern Louisiana marketing area..... 6054	Rules and regulations under the Fur Products Labeling Act; fur products name guide..... 6023
Notices	Repacked cotton; classification..... 6035	FISH AND WILDLIFE SERVICE
Duty free entry of scientific articles; notice of applications..... 6062	CUSTOMS BUREAU	Rules and Regulations
CIVIL AERONAUTICS BOARD	Notices	Tewaukon National Wildlife Refuge, N. Dak.; sport fishing..... 6034
Rules and Regulations	Regional Commissioners of Customs and District Directors of Customs; notice of distribution of functions..... 6062	FOOD AND DRUG ADMINISTRATION
Terms, conditions and limitations of certificates to engage in supplemental air transportation; charter costs..... 6022	DEFENSE DEPARTMENT	Rules and Regulations
Notices	<i>See also Air Force Department; Navy Department.</i>	Diocetyl sodium sulfosuccinate; confirmation of effective date of order amending identity standards..... 6024
Airlift International, Inc.; notice of oral argument..... 6065	Rules and Regulations	Proposed Rule Making
Reopened United-Pacific Transfer Case; notice of postponement of hearing..... 6065	User charges..... 6025	Negligible residues on commodity-group basis; tolerances and exemptions from tolerances..... 6059
COMMERCE DEPARTMENT	EMERGENCY PLANNING OFFICE	Notices
<i>See also Business and Defense Services Administration.</i>	Rules and Regulations	Petitions regarding food additives:
Notices	Policy guidance for national emergency blood program..... 6032	Commercial Solvents Corp..... 6064
Management consulting services; procurement of contracts..... 6063	FEDERAL AVIATION ADMINISTRATION	Scholten's Chemische Fabrieken N.V..... 6065
COMMODITY CREDIT CORPORATION	Rules and Regulations	HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Rules and Regulations	Airworthiness directives; certain models of Beech airplanes..... 6022	<i>See Food and Drug Administration.</i>
Grains and similarly handled commodities; resale loan program; correction..... 6021	Transition area; alteration..... 6022	INTERIOR DEPARTMENT
	Proposed Rule Making	<i>See Fish and Wildlife Service; Land Management Bureau.</i>
	Proposed alterations:	INTERNAL REVENUE SERVICE
	Control zones and transition areas (2 documents)..... 6060	Notices
	Transition area..... 6061	Assistant Commissioner (Administration) et al.; delegation of authority..... 6062
	FEDERAL MARITIME COMMISSION	
	Notices	
	Pacific Far East Line, Inc., and Saipan Shipping Co.; agreements filed for approval..... 6071	

(Continued on next page)

**INTERSTATE COMMERCE
COMMISSION****Rules and Regulations**Car service; box car distribution;
appointment of agents..... 6033**Notices****Motor carrier:**Temporary authority applica-
tions..... 6075
Transfer proceedings..... 6074**LABOR DEPARTMENT**

See Labor Standards Bureau.

LABOR STANDARDS BUREAU**Rules and Regulations****Child labor regulations:**Amendment to hazardous occu-
pations order..... 6024
Discontinuance of occupations
chart which applies to haz-
ardous occupations orders... 6025**Proposed Rule Making**Safety and health regulations for
longshoring; certification of
shore based material handling
devices..... 6058School bus drivers; hazardous oc-
cupations; extension of time to
comment..... 6057**LAND MANAGEMENT BUREAU****Notices**Alaska; redelegation of author-
ity to Area Managers..... 6063Texas outer continental shelf offi-
cial leasing maps; availability... 6063**NAVY DEPARTMENT****Rules and Regulations**Naval Reserve and Marine Corps
Reserve; miscellaneous amend-
ments..... 6028**SECURITIES AND EXCHANGE
COMMISSION****Notices****Hearings, etc.:**Exchange Growth/Income
Fund, Inc..... 6072
Federated-Dual Exchange Fund,
Inc..... 6072
Life Insurance Investors, Inc.,
and Consolidated American
Life Insurance Co..... 6074**TRANSPORTATION DEPARTMENT**See Federal Aviation Adminis-
tration.**TREASURY DEPARTMENT**See Comptroller of the Currency;
Customs Bureau; Internal Re-
venue Service.**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, 1967, and specifies how they are affected.

7 CFR354..... 6019
907..... 6019
908..... 6019
910..... 6020
912..... 6020
1421..... 6021**PROPOSED RULES:**27..... 6035
28..... 6035
1030..... 6035
1031..... 6035
1038..... 6035
1039..... 6035
1044..... 6035
1045..... 6035
1051..... 6035
1096..... 6054**9 CFR**97..... 6021
340..... 6021**12 CFR**

14..... 6022

14 CFR39..... 6022
71..... 6022
208..... 6022**PROPOSED RULES:**

71 (3 documents)..... 6060, 6061

16 CFR15..... 6023
301..... 6023**21 CFR**18..... 6024
19..... 6024
20..... 6024
25..... 6024
31..... 6024**PROPOSED RULES:**

120..... 6059

29 CFR

1500 (2 documents)..... 6024, 6025

PROPOSED RULES:1500..... 6057
1504..... 6058**32 CFR**288..... 6025
289..... 6025
713..... 6028
803..... 6032
823..... 6032**32A CFR**OEP (Ch. I):
DMO 8540.2..... 6032**49 CFR**

195..... 6033

50 CFR

33..... 6034

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19, 1966, April 23, 1966, June 9, 1966, July 15, 1966, August 25, 1966, October 13, 1966, January 27, 1967, and March 1, 1967 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213, 13203, 32 F.R. 969, 3383), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by deleting from and adding to the "lists" therein as follows:

In § 354.2 *Administrative instructions prescribing commuted travel time:*

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: El Toro MCAS, Calif.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Andrade, Calif. (served from Calexico, Calif.).

THREE HOURS

Delete:

March Field, Calif. (served from El Toro MCAS, Calif.).

Raymond, Oreg. (served from Astoria, Oreg.).

Norton AFB, Calif. (served from El Toro MCAS, Calif.).

Add:

Raymond, Wash. (served from Astoria, Oreg.).

March Field, Calif. (served from Norton AFB, Calif.).

Stockton, Calif. (served from Travis AFB, Calif.).

FOUR HOURS

Add:

Erie, Pa. (served from Cleveland, Ohio).

Antacortes, Wash. (served from Blaine, Wash.).

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

instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective April 15, 1967.

Done at Hyattsville, Md., this 11th day of April 1967.

[SEAL]

F. A. JOHNSTON,
Director.

Plant Quarantine Division.

[F.R. Doc. 67-4154; Filed, Apr. 14, 1967; 8:47 a.m.]

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

[Navel Orange Reg. 134]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.434 Navel Orange Regulation 134.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 907, as amended) regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circum-

stances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 16, 1967, and ending at 12:01 a.m., P.s.t., April 23, 1967, are hereby fixed as follows:

- (i) District 1: 625,000 cartons;
- (ii) District 2: 675,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 14, 1967.

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

[F.R. Doc. 67-4255; Filed, Apr. 14, 1967; 11:18 a.m.]

[Valencia Orange Reg. 197]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.497 Valencia Orange Regulation 197.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

RULES AND REGULATIONS

this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 16, 1967, and ending at 12:01 a.m., P.s.t., April 23, 1967, are hereby fixed as follows:

- (i) District 1: 75,128 cartons;
- (ii) District 2: 15,183 cartons;
- (iii) District 3: 275,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 14, 1967.

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

[P.R. Doc. 67-4256; Filed, Apr. 14, 1967; 11:18 a.m.]

[Lemon Reg. 263]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.563 Lemon Regulation 263.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject

hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 16, 1967, and ending at 12:01 a.m., P.s.t., April 23, 1967, are hereby fixed as follows:

- (i) District 1: 1,400 cartons;
 - (ii) District 2: 213,900 cartons;
 - (iii) District 3: unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 13, 1967.

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

[P.R. Doc. 67-4207; Filed, Apr. 14, 1967; 8:49 a.m.]

[Grapefruit Reg. 43]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.343 Grapefruit Regulation 43.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 912, as amended), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider

supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 17, 1967, and ending at 12:01 a.m., e.s.t., April 24, 1967, is hereby fixed at 230,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 13, 1967.

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

[P.R. Doc. 67-4228; Filed, Apr. 14, 1967;
8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[COC Grain Price Support Resale Loan Regs., 1965 and Subsequent Storage Periods; Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Resale Loan Program

ELIGIBILITY REQUIREMENTS

Correction

In P.R. Doc. 67-3921, appearing at page 5767 of the issue for Tuesday, April 11, 1967, the word "resale" in the bracketed heading and in the amendatory language for § 1421.3483 should read "resale".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), and February 14, 1967 (32 F.R. 2843), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: Dallas, Tex. (served from Fort Worth, Tex.).

SIX HOURS

Add: Hilo, Hawaii (served from Kailua-Kona, Hawaii).

Add: Seward, Alaska (served from Anchorage, Alaska).

TEN HOURS

Add: Homer, Alaska (served from Anchorage, Alaska).

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

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 11th day of April 1967.

E. E. SAULMON,
Acting Director, Animal Health
Division, Agricultural Research
Service.

[P.R. Doc. 67-4153; Filed, Apr. 14, 1967;
8:47 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

Definition of Food Article

Under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), § 340.2(d) of Part 340, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 340.2 Definitions.

(1) *Food article.* Any article of human food derived wholly or in part from meat, meat byproducts, or meat food products, which is not subject to the Federal meat inspection laws, and animal casings, for which the mark of Federal meat inspection is requested: *Provided*, That such articles and casings are derived from federally inspected and passed carcasses.

Statement of considerations. The amendment adds certain animal casings to the definition of a "food article". This authorizes their inspection and certification for wholesomeness and the application of the mark of Federal meat inspection to the containers of the casings under the voluntary Food Inspection Service pursuant to the Agricultural Marketing Act. The amendment is needed because such animal casings are considered in some foreign countries as edible meat products and are required to have such marks on their containers when they are imported into such countries from the United States. For instance, the mark of Federal meat inspection is now required by the British Ministry of Agriculture, Fisheries and Food, to appear on containers of U.S. animal casings exported to the United Kingdom. The amendment permits this arrangement and allows the export of animal casings to the United Kingdom to continue.

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

The amendment provides for a voluntary inspection service not heretofore available and should become effective as soon as possible in order to be of maximum benefit to persons desiring to use

the service. Accordingly, it is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553 that notice and other public procedure with respect to 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 11th day of April 1967.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 67-4155; Filed, Apr. 14, 1967;
8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 14—CHANGES IN CAPITAL STRUCTURE

Exchange of Shares

This amendment is issued pursuant to the authority contained in the national banking laws (R.S. 324, as amended; 12 U.S.C. 1, and R.S. 5142, as amended; 12 U.S.C. 57) and revokes an existing regulation which required that certain information be submitted to the Comptroller in support of an application for his approval for the issuance of additional stock for use in certain transactions. Since the amendment is procedural in nature and relaxes a restriction, notice and public procedure thereon are unnecessary, impractical and contrary to the public interest. Accordingly, this amendment will become effective upon publication.

Chapter I, Title 12, Part 14, of the Code of Federal Regulations of the United States of America is amended as follows:

Section 14.2a of Part 14 of Chapter I of Title 12 of the Code of Federal Regulations is revoked.

Dated: April 11, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-4170; Filed, Apr. 14, 1967;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7362; Amdt. 39-394]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Beech Airplanes

Amendment 39-239 (31 F.R. 7170), AD 66-13-1, requires inspection and repair, where necessary, of the elliptical front

spar lower cap in the area just inboard of the outboard wing panel attach point on certain models of Beech airplanes, including the Beech Model H18 airplane. Subsequent to the issuance of Amendment 39-239, all Beech Model H18 airplanes commencing with Serial Number BA-731 have been manufactured with caps of increased wall thickness in the affected area. Since the agency has determined that airplanes so manufactured need not comply with the AD, the applicability statement of the AD is being amended to exempt from the operation of the AD all Beech Model H18 airplanes, commencing with Serial Number BA-731.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-239 (31 F.R. 7170), AD 66-13-1, is amended by revising the applicability statement to read as follows:

BEECH. Applies to Model C18S, AT-11, C-45, C-45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, D18S, D18C, C45G, TC-45G, C45-H, TC-45H, TC-45J (SNB-5), JRB-6, E18S, E18S-9700, G18S, and H18 (Serial Numbers BA-580, BA-618 through BA-730) airplanes, and to airplanes originally designated one of these models and subsequently redesignated on a supplemental type certificate.

This amendment becomes effective April 15, 1967.

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

Issued in Kansas City, Mo., on April 6, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4161; Filed, Apr. 14, 1967;
8:48 a.m.]

[Airspace/Docket No. 67-WE-7]

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

Alteration of Transition Area

On Page 2787 of the FEDERAL REGISTER for February 10, 1967, there was published a notice of proposed rule making to amend Part 71 that would alter controlled airspace in the Montague, Calif., terminal area.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective as of 0001 e.s.t., June 23, 1967. (Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 7, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

Section 71.181 is amended as follows:
MONTAGUE, CALIF.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport, Montague, Calif. (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°04'00" N., on the E by an arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC and an arc of a 14-mile radius circle centered on Siskiyou County Airport, on the SE by a line extending from latitude 41°41'00" N., longitude 122°10'00" W. to latitude 41°25'00" N., longitude 122°20'00" W., on the S by latitude 41°25'00" N., and on the W by the E edge of V-23.

[F.R. Doc. 67-4147; Filed, Apr. 14, 1967;
8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-487]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Charter Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of April 1967.

In ER-462, effective May 13, 1966, the Board amended Part 208 by deleting the documentation and reporting requirements, including the post flight report, imposed on domestic charter operations by supplemental air carriers in ER-454, upon reconsideration of that regulation. A reference to post flight reports in § 208.213(d) was overlooked, and it is therefore being deleted at this time. Since this amendment is merely an editorial correction, notice and public procedure hereon are unnecessary.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.20, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends § 208.213(d) of the Economic Regulations (14 CFR 208.213(d)), effective May 5, 1967, to read as follows:

§ 208.213 Charter costs.

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

(Secs. 204(a), 401(d)(3), 401(n), Federal Aviation Act of 1958, as amended; 72 Stat. 743, 76 Stat. 143, 144; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 67-4167; Filed, Apr. 14, 1967;
8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Permissible Period of Time During Which New Product May Be Described as "New"

§ 15.120 Permissible period of time during which new product may be described as "new".

(a) The Commission was requested to render an advisory opinion as to the permissible period of time during which an advertiser could continue to describe a new product as being "new".

(b) The Commission pointed out that the word "new" may be properly used only when the product so described is either entirely new or has been changed in a functionally significant and substantial respect. A product may not be called "new" when only the package has been altered or some other change made which is functionally insignificant or insubstantial.

(c) Assuming that a particular product could truthfully be described as "new" in the first instance, the opinion noted that there is little precedent for determining how long an advertiser may truthfully continue to describe it as "new". The Commission stated it was aware, of course, that the word has been frequently abused and that it is in the interest of all advertisers to have established ground rules for its use. However, the time period during which a particular product may be called "new" will depend upon the circumstances and is not subject to precise limitations; any selection of a fixed period of time or a rigid cut-off date would have to be arbitrary in nature. Further, any such attempt would not only fence in all advertisers without regard to the circumstances, but would fence in the Commission as well, and deprive it of all flexibility in dealing with individual situations.

(d) Instead, the Commission felt it would be preferable, considering the absence of precedents, to establish a tentative outer limit for use of the claim, while leaving itself free to take into consideration unusual situations which may arise. Thus, the Commission's position was that until such a time as later developments may show the need for a different rule, it would be inclined to ques-

tion use of any claim that a product is "new" for a period of time longer than 6 months. This general rule would apply unless exceptional circumstances warranting a period either shorter or longer than 6 months were shown to exist.

(38 Stat. 717, as amended; 15 U.S.C. 41-56)

Issued: April 14, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4138; Filed, Apr. 14, 1967;
8:46 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Fur Products Name Guide

On February 8, 1966 a notice of proposed rule making was issued by the Federal Trade Commission. Such notice was published in the FEDERAL REGISTER on February 11, 1966. The notice stated that the Federal Trade Commission would at 10 a.m., e.s.t. on the 16th day of March 1966 hold public hearings in accordance with the provisions of the Fur Products Labeling Act and give consideration to amendments of the Fur Products Name Guide (16 CFR 301.0) relating to the Animal Name, Order, Family, and Genus-species of those animals presently designated in the aforesaid Fur Products Name Guide (16 CFR 301.0) as "Mink, China" and "Mink, Japanese."

Such notice provided that views, arguments, and other pertinent data including scientific data could be submitted in writing on or before the date of the public hearing or presented orally at the time of the public hearing and that further written views, arguments, and data would be received for 10 days after the date of the hearing.

The notice specifically provided for consideration of the following matters:

(1) Consideration of the scientific accuracy of the Animal Name, Order, Family, and Genus-species designations of those animals presently designated in the Fur Products Name Guide by the animal names "Mink, China" and "Mink, Japanese" with a view of amend-

ing the Fur Products Name Guide if such designations are not accurate.

(2) Specific consideration of an amendment of the Fur Products Name Guide to provide for the use of the animal name "Weasel, China" to designate the animal presently listed in the Fur Products Name Guide under the animal name "Mink, China."

(3) Specific consideration of an amendment of the Fur Products Name Guide to provide for the use of the animal name "Weasel, Japanese" to designate the animal presently listed in the Fur Products Name Guide under the animal name "Mink, Japanese."

(4) As an alternative to paragraphs (2) and (3) above, consideration of an amendment of the Fur Products Name Guide to provide for the designation by the animal name "Weasel, Siberian" or by other appropriate animal name those animals presently listed in the Fur Products Name Guide under the animal names "Mink, China" and "Mink, Japanese."

Interested parties were afforded an opportunity to present their views, arguments and data in writing for the public record in accordance with such notice. An opportunity was afforded all interested parties to present their views, arguments, and other data orally at a public hearing held on the 16th day of March 1966 in accordance with the notice of proposed rule making.

After due consideration of the proposed amendments and suggested revisions, deletions, and modifications thereof together with all views, arguments, and other data submitted and all other information available to the Commission, the Commission has determined to amend the Fur Products Name Guide as follows:

(1) The Fur Products Name Guide (§ 301.0) is amended to provide for the use of the animal name "Weasel, Chinese" to designate the animal presently listed in the Fur Products Name Guide under the animal name "Mink, China" and to delete the animal name "Mink, China" from the Fur Products Name Guide. Accordingly, the name "Mink, China" is deleted from the Fur Products Name Guide and the name "Weasel, Chinese" is inserted in the Fur Products Name Guide immediately following the name "Weasel" as appearing in such Name Guide. Such animal name and designation shall hereafter appear in the Fur Products Name Guide as follows:

Name	Order	Family	Genus-species
Weasel, Chinese	Carnivora	Mustelidae	Mustela sibirica

(2) The Fur Products Name Guide (§ 301.0) is amended to provide for the use of the animal name "Weasel, Japanese" to designate the animal presently listed in the Fur Products Name Guide under the animal name of "Mink, Japanese" and to delete the animal name "Mink, Japanese" from the Fur Products Name Guide. Accordingly, the name "Mink, Japanese" is deleted from the

Fur Products Name Guide and the name "Weasel, Japanese" is inserted in the Fur Products Name Guide immediately following the name "Weasel, Chinese" as appearing in such Fur Products Name Guide as amended in paragraph (1) above. Such animal name and designation shall hereafter appear in the Fur Products Name Guide as follows:

Name	Order	Family	Genus-species
*** Weasel, Japanese ***	*** Carnivora ***	*** Mustelidae ***	*** Mustela Itatsi (also classified as Mustela sibirica Itatsi). ***

Such amendments are promulgated on the basis of the determination that the animals formerly designated in the Fur Products Name Guide as "Mink, China" and "Mink, Japanese" are separate and distinct animals from the animal designated in the Fur Products Name Guide as "Mink." It is indicated the commercial history of the animal variously designated as "Japanese Mink" and "Japanese Weasel" is to the effect that, prior to the establishment of the Fur Products Name Guide, distinctions between animal pelts designated in the trade as "Japanese Mink" and pelts designated in the trade as "Japanese Weasel" were made on the basis of quality of the skins rather than distinctions in the scientific classifications. It is indicated that distinctions between animal pelts known in the trade as "China Mink" and as "Chinese Weasel" were, before the establishment of the Fur Products Name Guide, made on the basis of the distinctions in the quality of the skins or pelts rather than on the basis of scientific distinctions. Available information also indicates that in addition to the designations "Japanese Mink" or "Japanese Weasel" and "China Mink" or "Chinese Weasel" both animals in certain instances have been designated by the name "Siberian Weasel."

Furthermore, information in the record indicates that animals entitled to the designation "Mink" as that animal is described in the Fur Products Name Guide are presently being produced in the country of Japan. Accordingly, considerable confusion and possible deception of the consumer could result from the fact that both animals designated as "Mink" and animals formerly referred to in the Fur Products Name Guide as "Mink, Japanese" might be described as "Japanese Mink" where pelts from such animals are imported from Japan.

(Paragraph (b), sec. 7, Fur Products Labeling Act; 65 Stat. 179; 15 U.S.C. 69e)

Issued: April 12, 1967.

Effective date: Thirty days after publication in FEDERAL REGISTER.

By the Commission.¹

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4160; Filed, Apr. 14, 1967; 8:47 a.m.]

¹ Commissioner Elman not concurring.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

PART 20—FROZEN DESSERTS

PART 25—DRESSINGS FOR FOOD

PART 31—NONALCOHOLIC BEVERAGES

Diocetyl Sodium Sulfosuccinate; Confirmation of Effective Date

In the matter of amending the identity standards for evaporated milk (§ 18.520), cream cheese (§ 19.515), neufchatel cheese (§ 19.520), creamed cottage cheese (§ 19.530), pasteurized process cheese spread (§ 19.775), cream cheese with other foods (§ 19.782), pasteurized neufchatel cheese spread with other foods (§ 19.783), cold-pack cheese food (§ 19.787), ice cream (§ 20.1), fruit sherbets (§ 20.4), water ices (§ 20.5), french dressing (§ 25.2), salad dressing (§ 25.3), and soda water (§ 31.1) to provide for the optional use of diocetyl sodium sulfosuccinate as a solubilizing agent for the gums and colloids permitted as thickening agents in these foods, subject to the limitation that the diocetyl sodium sulfosuccinate is not to exceed 0.5 percent by weight of such gums and colloids, in accordance with § 121.1137 of the food additive regulations:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 1, 1967 (32 F.R. 1127). Accordingly, the amendments promulgated by that order became effective April 2, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: April 7, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4162; Filed, Apr. 14, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATIONS

Hazardous Occupations; Exceptions in Shake and Shingle Mill Operations

On January 6, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 91) of a proposed order, which would amend Hazardous Occupations Order No. 4 (29 CFR 1500.54), by adding thereto four exceptions to the order previously promulgated declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age.

Interested persons were given an opportunity to make oral presentations on the proposal on February 15, 1967, and to submit written data, views, and arguments. After consideration of all such relevant matter as was presented, I have decided to adopt the proposed exceptions, with minor changes, and amend Hazardous Occupations Order No. 4 (29 CFR 1500.54).

Accordingly, pursuant to authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended, 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 CFR 1943-48 Comp. p. 1064), the following amendment is made to 29 CFR Part 1500: In 29 CFR 1500.54, subdivisions (vii), (viii), (ix), and (x) are added to paragraph (a)(2) to read as follows:

§ 1500.54 Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).

(a) * * *
(2) * * *

(vii) Clean-up work outside shake and shingle mills, except when the mill is in operation.

(viii) Splitting shakes manually from precut and split blocks with a froe and mallet, except inside the mill building or cover.

(ix) Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.

(x) Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself.

As the only function of these amendments is to relieve a restriction, delay in effective date is not required by 5 U.S.C. 553(c). Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203. 3 CFR, 1943-48 Comp., p. 1064)

Signed at Washington, D.C., this 10th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4139; Filed, Apr. 14, 1967;
8:46 a.m.]

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATIONS

Discontinuance of Occupations Chart Applying to Hazardous-Occupations Orders Nos. 4 and 5

Pursuant to authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 F.R. 1943-1948 Comp. p. 1064), I hereby amend 29 CFR Part 1500 by deleting § 1500.56 entitled "Occupations Chart applying to Hazardous-Occupations Orders Nos. 4 and 5 (§§ 1500.54 and 1500.55)."

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because this amendment relates only to an interpretative rule. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4140; Filed, Apr. 14, 1967;
8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER P—RECORDS

PART 288—USER CHARGES

PART 289—USER CHARGES AND USER CHARGES REPORT

Part 288—"Schedule of Fees and Charges for Copying, Certification and Search of Records," and Part 289, "User Charges and User Charges Report," published at 30 F.R. 7997 and 27 F.R. 403 are hereby superseded. The revision to Part 288, approved by the Assistant Secretary of Defense (Comptroller) on December 20, 1966, as amended April 6, 1967, now reads as follows:

- 288.1 Purpose.
- 288.2 Applicability.
- 288.3 Policy.
- 288.4 Charges and fees.
- 288.5 Collections.
- 288.6 Legislative proposals.
- 288.7 Accounting and reporting.
- 288.8 Implementation.
- 288.9 Examples of benefits not to be charged under provisions of § 288.3(d).
- 288.10 Schedule of fees and rates.

AUTHORITY: The provisions of this Part 288 issued under 5 U.S. Code, sec. 140; Title V, Public Law 137, 82d Cong., Act of Aug. 31, 1951, 65 Stat. 290.

§ 288.1 Purpose.

This part establishes Department of Defense policy and procedures for improved implementation of the policy of the U.S. Government in respect to "user charges," as expressed in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) and Bureau of the Budget Circular No. A-25, September 23, 1959, as amended, Subject: "User Charges." It prescribes development and review of an equitable and uniform system of charges for rendering special services and for selling or leasing property to persons or organizations outside the Federal Government and furnishes guidelines and requirements for determination of amounts of user charges, the disposition of receipts, and accounting control of revenue from such charges.

§ 288.2 Applicability.

Provisions of this part apply to all components of the Department of Defense.

§ 288.3 Policy.

(a) *General.* It is Department of Defense policy not to compete with available commercial facilities in providing special services or in the sale or lease of property to private parties and agencies outside the Federal Government. However, when a service or sale is made which conveys special benefits to recipients above and beyond those accruing to the public at large, a reasonable charge shall be made to each identifiable recipient, except for exclusions specifically provided herein or as otherwise authorized by the Secretary of Defense and in those areas which are governed by separate policy.

(b) *Special services.* A charge shall be imposed to recover the full cost to the Federal Government of rendering a special service, or fair market value of such service, whichever is higher. Fair market value will be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges will be made based on recovery of full costs to the Federal Government. A special benefit will be considered to accrue and a charge shall be imposed when the service rendered:

- (1) Enables the recipient to obtain more immediate or substantial gain or values (which may or may not be measurable in monetary terms) than those which accrue to the general public, or
- (2) Is performed at the request of the recipient and is above and beyond the services regularly received by or available without charge to the general public.

(c) *Lease or sale.* Where federally owned resources are leased or sold, a fair market value shall be obtained. Fair market value will be determined by the application of sound business management principles and, so far as practicable and feasible, in accordance with comparable commercial practices. Charges

based on fair market value need not be limited to the recovery of costs; they may produce net revenues to the Government.

(d) *Exclusions and exceptions.* (1) This part does not apply to: (i) Fringe benefits for military personnel and civilian employees, or (ii) sale of disposal property under approved programs.

(2) In general, charges may be waived or reduced when:

(i) The recipient of the benefits is engaged in a nonprofit activity designed for the public safety, health, or welfare;

(ii) Payment of the full costs or fee by a State, local government, or nonprofit group would not be in the interest of the program;

(iii) Furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country;

(iv) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(3) Examples of exclusions and exceptions are listed in § 288.9.

§ 288.4 Charges and fees.

(a) *Special services:* Charges for special services will be based on the total costs to perform such services as determined or estimated from the best available records or fair market value, whichever is higher. The maximum charge for a special service will be governed by its total cost or fair market value, whichever is higher, and not by the value of the service to the recipient. Cost accounting systems will not be established solely for the purpose of determining charges. Costs shall include all direct and indirect costs, such as:

(1) Civilian salaries or wages and personnel costs of leave and Government contributions for retirement, medical expense, insurance, etc., and the cost of military personnel services as prescribed in DoD Instruction 7220.15, "Budgeting and Accounting for the Cost of Military Personnel Services," June 1, 1966;

(2) Cost of materials, supplies, travel expense, communications, utilities, equipment and property rental, and maintenance and depreciation of property and equipment;

(3) A proportionate share of management and supervisory costs at the installation where the service is performed;

(4) The cost of research, establishing standards and regulations when directly associated with the service performed.

(b) *Fees and rates for the recovery of full costs or fair market value, whichever is higher, of a special service will be established in advance when feasible. All fees and rates established within the Department of Defense shall be reviewed at least once a year, or whenever significant changes in costs occur, and necessary revisions made to ensure recovery of full costs. Section 288.10 provides a schedule of fees and rates for certain services for use throughout the Department of Defense. Recommendations for additions and revisions to the schedule will be made to the Assistant Secretary of Defense (Comptroller).*

(c) Lease or sale of property: Charges for lease or sale of property will be based on determination of fair market value.

(1) *Sale of material.* In the absence of a known market value, a fair value for sale of material will be determined on the basis of the aggregate of the following:

(i) Standard price of the item carried in inventory or at reduced price when so authorized for sale within the Department of Defense;

(ii) Accessorial and administrative costs as provided for in DoD Instruction 7510.4, "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, and Transfers of Materials, Supplies and Equipment," August 31, 1965.

(2) *Lease or rental of property.* Fair market value for lease or rental of property will be determined to be in accordance with commercial rates for similar property in the local geographical area.

§ 288.5 Collections.

(a) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient.

(b) Collections of scheduled fees and charges (§ 288.10) will be deposited to the credit of the appropriation or fund responsible for principal financial support of the services in accordance with existing laws and instructions.

(c) When authorized by law, or by law and instructions promulgated pursuant thereto, collections for services charged on bases other than the fees and charges set forth in § 288.10, will be deposited to the applicable financing appropriation or fund; otherwise, such collections will be deposited to miscellaneous receipts of the Treasury. Collections in excess of recovery of full costs, determined pursuant to § 288.4, resulting from charges based on fair market value will be deposited to miscellaneous receipts of the Treasury.

(d) Collections for utilities and services in connection with the lease of property will be deposited to the appropriation or fund responsible for financing the operations of the equipment and facility. When authorized by law, proceeds from sale of property, other than those related to the Disposal Program and the Exchange Sale Program, will be credited to the appropriation or fund responsible for its replacement, and for property not to be replaced, sale proceeds will be deposited to miscellaneous receipts of the Treasury. Proceeds from the Disposal and Exchange Sale Programs will be accounted for and deposited in accordance with existing instructions.

§ 288.6 Legislative proposals.

In cases where collection of fees and charges for services or property is limited or restricted by provisions of existing law, the DoD component(s) concerned will submit appropriate remedial legislative proposals under applicable legislative procedures.

§ 288.7 Accounting and reporting.

(a) *Accounting requirement.* Each military department, agency and other appropriate DoD component will maintain records for each fiscal year on:

(1) All changes in costs or charges for services or property covered by this part, as well as for the establishment of new user charges based on annual review of such costs and charges;

(2) Total collections of user charges during the fiscal year of each DoD component, furnishing the total amount deposited and credited to miscellaneous receipts of the Treasury and to each appropriation and fund account for attachment to Form 4 of BoB Circular A-25;

(3) The collections by categories of activities in the above Form 4;

(4) A complete inventory of all user charges in effect.

(b) *Reporting requirement.* The Assistant Secretary of Defense (Comptroller) will issue a separate DoD Instruction which will provide for direct submission from each DoD component to his office of reports on User Charges. These reports will be consolidated and transmitted by that office to the Bureau of the Budget in order to meet the requirements placed on the Department of Defense by BoB Circular A-25.

§ 288.8 Implementation.

(a) Each military department and Defense agency is responsible for initiating, developing, and adopting schedules of fees and charges consistent with the provisions of this part and shall:

(1) Identify each service or activity covered by this part;

(2) Determine the extent of the special benefit provided;

(3) Determine applicable costs; and

(4) Establish appropriate charges.

(b) The DoD components will publish necessary implementing procedures to accomplish the purpose of this part and submit two copies to the Assistant Secretary of Defense (Comptroller) within 90 days. This part is effective immediately.

§ 288.9 Examples of benefits not to be charged under provisions of § 288.3(d).

(a) Any services requested by members of the Armed Forces when the document or information requested is required by such personnel in their capacity as members of the Armed Forces of the United States.

(b) Any services requested by members of the Armed Forces, who are in a casualty status, or by their next of kin or legal representative; and requests for information from any source relating to a casualty.

(c) The address of record of an active duty member or former member of the Armed Forces when it can be furnished informally through local directory (locator) reference, when requested by a member of the Armed Forces or a relative or legal representative of a member of the Armed Forces, or the address of record requested by any source when the address is required for the purpose of

paying monies or forwarding property to a member or former member of the Armed Forces.

(d) Any services requested by or on behalf of a member or former member of the Armed Forces, or if deceased, their next of kin or legal representative, pertaining to requests for:

(1) Information required to obtain financial benefits;

(2) Document showing membership and military record in the Armed Forces if discharge or release was under honorable conditions;

(3) Information relating to a decoration or award or information required for memorialization purposes;

(4) Review or change in type of discharge or correction of records;

(5) Personal documents, e.g., birth certificates, when such documents were required to be furnished by the individual.

(e) Those services which are furnished free in accordance with statutes or Executive orders.

(f) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military, medical, or dental facilities when such information is required and requests for such data are (1) submitted by an accredited medical facility, physician, or dentist or (2) requested by the patient, his next of kin, or legal representative.

(g) Any services furnished the general public relating to or in furtherance of the Armed Forces recruiting programs and any services furnished representatives of public information media or the general public in the interest of public understanding of the Armed Forces.

(h) Any services involving confirmation of employment, disciplinary, or other records or salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(i) Any services requested by and furnished to a Member of Congress for official use.

(j) Any services requested by a State, territorial, county, or municipal government or an agency thereof which is carrying on a function related to or in furtherance of an objective of the Department of Defense.

(k) Any services requested by a court when the furnishing of such will serve as a substitute for personal court appearance of a military or civilian employee of the Department of Defense.

(l) Any services requested by a non-profit organization which is carrying on a function related to or in furtherance of an objective of the Federal Government or in the interest of public health and welfare.

(m) Any services requested by an individual or corporation which is carrying on a function related to or in furtherance of an objective of the Federal Government and when the cost of such services would be chargeable directly to a Federal Government contract or grant held by the individual or corporation.

(n) Any services requested by donors with respect to their gifts.

(o) Any request which results in an unsuccessful search of records other than requests to determine the existence or nonexistence of a record.

(p) Requests for services which are occasional and incidental (including any request from a resident of a foreign country), not of a type that is requested often, if it is administratively determined that a fee would be inappropriate in such an occasional case.

(q) Any request from Federal employees for the accomplishment of forms applicable to claims for reimbursement in connection with Federal Employees Health Benefit Act of 1959.

§ 288.10 Schedule of fees and rates.

(a) Schedule of fees: The following fees are applicable to authorized services rendered to the public by components of the Department of Defense under the general categories of: copying, certification and search of records; processing claims and litigation actions; sale of photography.

(b) Requests involving:

(1) Training and education:

(i) Transcripts:

	Fee
Original copy.....	\$1.00
Each additional copy.....	.50

(Includes requests for transcripts of graduation from military academies and schools.)

(ii) Certificates:

Original copy.....	\$0.50
Each additional copy.....	.25

(Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities.)

(2) Medical and dental records of civilians (includes requests for information from or copies of medical records, including clinical records, outpatient records, dental records, and loan of X-rays):

Up to and including two typewritten or two reproduced pages.....	\$2.50
Each additional typewritten page.....	1.25
Each additional photo copy.....	.25
Loan of each X-ray.....	1.00

(3) Medical and dental records of uniformed service personnel and their dependents when request is received from other than the member or their dependent (includes requests for information from or copies of medical records, including clinical records, outpatient records, dental records, and loan of X-rays):

Up to and including two typewritten or two reproduced pages.....	\$2.50
Each additional typewritten page.....	1.25
Loan of each X-ray.....	1.00
Each additional photo copy.....	.25

(4) Military membership and record:

(i) Address of record, each.....	\$1.50
(ii) Certificate in lieu, statement of verification of service, or report of separation, each.....	2.50
(iii) Copy or extract of order or other record (excluding medical, dental and X-ray records), each.....	2.25

(iv) Furnishing information on decorations and awards to service organizations..... 2.00

(5) Photography:

(i) Still pictorial or documentary photographic prints, black and white, and not more than three prints may be sold from any individual negative on each order. Unlisted standard sizes of black and white prints may be furnished, if available at proportionate fees.

8 x 10 single weight glossy finish, 1st print.....	\$0.90
2d and 3d prints, each.....	.40
8 x 10 double weight matte finish, 1st print.....	.95
2d and 3d prints, each.....	.45
11 x 14 double weight matte finish, 1st print.....	1.15
2d and 3d prints, each.....	.45
16 x 20 double weight matte finish, 1st print.....	1.35
2d and 3d prints, each.....	.60
20 x 24 double weight matte finish, 1st print.....	1.50
2d and 3d prints, each.....	.70
35 mm color transparencies (cardboard mount), each.....	1.10
4 x 5 color transparencies or color negative, each.....	6.00
8 x 10 color transparencies or color negative, each.....	10.00

(In quantities not to exceed three copies of any one view.) Color prints will not be furnished for public use.

(ii) Aerial photographic prints, contact prints, or exact negative sizes, single weight glossy or double weight semi-matte:

7 x 9 or 9 x 9 in quantities:

1-5, \$1 each print.
6-100, \$5 plus \$0.85 for each print over 5 and up to 100.
101-1,000, \$85.75 plus \$0.65 for each print over 100 and up to 1,000.
Over 1,000, \$670.75 plus \$0.60 for each print over 1,000.

9 x 18 in quantities:

1-5, \$2 for each print.
6-100, \$10 plus \$1.70 for each print over 5 and up to 100.
101-1,000, \$171.50 plus \$1.30 for each print over 100 and up to 1,000.
Over 1,000, \$1,341.50 plus \$1.20 for each print over 1,000.

(iii) Aerial photographic indexes and mosaic copies in any number size 20 x 24, each \$1.30.

(iv) Reproduction of cover overlays:

Transparent Foil Film Overlays, each.....	\$1.50
Transparent Paper Overlays, each.....	.60
Transparent Paper Plot Maps, per square foot.....	.10
Photostat Plot Maps (maximum size 17 1/2 x 23), each.....	.65

(v) Motion picture:

16 mm or 35 mm black and white unedited footage and/or optical sound track, per foot.....	\$0.10
Color unedited footage:	
16 mm, per foot.....	.20
16 mm, internegative.....	.25
35 mm, per foot:	
Viewing or release print, each.....	.25
Separation master positive (3 required).....	.75
Color, interpositive, each.....	.55
Color, internegative, each.....	.55

Magnetic tape (per foot):	
16 mm (Direct Dubb), each.....	.05
35 mm (Direct Dubb), each.....	.05
Searching (including overhead) each hour or fraction thereof (per hour).....	7.00
All film used in duplication to furnish a requested end product shall be charged for on a per foot basis.	
Minimum charge (including stock search) per order.....	10.00

(6) Construction and engineering information, copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents:

Searching, per hour or fraction thereof (including overhead costs).....	\$3.00
First print.....	.50
Each additional print of same document.....	.25

(7) Copies of medical articles and illustrations: Standards contained in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) will be utilized in computing costs.

(8) Claims and litigations:

(i) Requests from litigants pertaining to private litigation (if not covered in subparagraph (2) or (3) of this paragraph):

Searching per hour or fraction thereof (including overhead costs).....	\$3.00
Processing per hour—minimum charge 1/2 hour.....	3.00
Each photocopy.....	.25
Certification and validation with seal, each.....	.75
Certification and validation without seal, each.....	.50

(ii) Requests pertaining to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government:

Searching per hour or fraction thereof (including overhead costs).....	\$3.00
Processing per hour—minimum charge 1/2 hour.....	3.00
Each photo copy.....	.25
Certification and validation with seal, each.....	.75
Certification and validation without seal, each.....	.50

(iii) Furnishing information from Investigative Reports, e.g., automobile collision investigations, safety reports:

Searches, overhead, analysis and preparation of report (per hour—minimum charge 1/2 hour).....	\$3.00
--	--------

(9) General:

Charges for any additional services not specifically provided and consistent with the provisions of this part will be made by the respective DoD components at the following rates:

Searching per hour or fraction thereof (including overhead costs).....	\$3.00
Processing per hour—minimum charge 1/2 hour.....	3.00
Each photocopy.....	.25
Certification and validation with seal, each.....	.75
Certification and validation without seal, each.....	.50
Review of application for authorization to solicit members of the military services for the purchase of life insurance on U.S. military installations in foreign areas.....	125.00

Hand drawn plots and sketches (see hour minimum charge, \$2) ----- 3.50

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Administration).

[P.R. Doc. 67-4159; Filed, Apr. 14, 1967;
8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

Subpart A—Naval Reserve

MISCELLANEOUS AMENDMENTS

Scope and purpose. Part 713 is updated to conform to amendments to the Bureau of Naval Personnel Manual included in Change 13 to the manual and distributed to Navy commands in due course.

1. Section 713.211 is revised to read as follows:

§ 713.211 Mailing address.

(a) *Definition.* Mailing address is defined as that address at which a member who is not on active duty can be reached quickly at any time by ordinary mail. Those addresses of banking institutions and the like which some members have designated as the place to which their retired paychecks are to be sent are not mailing addresses for this purpose.

(b) *Scope.* The instructions contained in this section apply to all members of the Naval Reserve not on active duty, retired members of the Navy and Naval Reserve not on active duty, including those in the Fleet Reserve and those on the temporary physical disability retired list.

(c) *Reporting procedure.* Article 1233, U.S. Navy Regulations, requires each member of the naval service not on active duty to keep the custodian of his service record advised of his current mailing address. Therefore, whenever a change in mailing address occurs, it is incumbent upon the member to notify the custodian of his service record by letter of the new mailing address. The proper routing of these notification letters is essential to the maintenance of current address data in the Naval Manpower Information System (NMIS), and to insure that the notification is documented in the member's service record. There are only two input sources for addresses in the NMIS: (1) The Reserve Unit Personnel and Performance Report (RUPPERT) for those naval reservists participating in a Naval Reserve Training Program; and (2) the Naval Reserve Manpower Center for all other members not on active duty. Accordingly, each change of address notification must be processed: (i) By the activity responsible for submitting the RUPPERT as prescribed in the Instructions for the Naval Manpower Information System (NAV PERS 15642), Part I Inactive; and (ii) the activity maintaining the member's service record. In some instances, the same activity is responsible for both

tasks. The addresses reported through the NMIS will be provided by the Personnel Accounting Machine Installation, Continental United States (PAMICON US), as a machine run, to the Chief of Naval Personnel for the Inactive Officer Locator System.

(d) *Temporary address changes.* When a member has a temporary change of residence of 6 months or less, and his mail cannot be delivered promptly by means of the existing mailing address, he shall inform the custodian of his service record of his temporary address at the beginning of his temporary residence and again at the end of such residence.

(e) *Noncurrent addresses—(1) Undeliverable addresses.* Whenever the address of a member in a drilling unit is determined as "undeliverable," and local search fails to obtain a good address or the new address is outside the area of jurisdiction of the drilling unit, effect transfer as follows:

(i) Enlisted members with a mandatory drilling obligation—to the District Commandant or parent Naval Air Reserve Training Activity.

(ii) All others—to the Naval Reserve Manpower Center.

(2) *Unlocatable personnel.* Upon receipt of the record of a member whose address is undeliverable, the Commandant, Commanding Officer, Naval Air Station/Naval Air Reserve Training Unit, or the Commanding Officer, Naval Reserve Manpower Center, as appropriate, will conduct a thorough search to locate the individual, including but not necessarily limited to:

(i) Inquiry to the postmaster of the last known address regarding a forwarding address.

(ii) Inquiry to next of kin or other relatives.

(iii) Inquiry to employer.

(iv) Inquiry to local Selective Service Board (not in the case of retired members).

(v) Inquiry to U.S. Navy Finance Center if member is receiving retired or retainer pay.

(3) *Report.* If a current address is determined, report the current address as outlined in paragraph (c) of this section. If all efforts to determine a current address are unsuccessful, the member shall be reported as "unlocatable" as outlined in paragraph (c) of this section. Since the designation of unlocatable may result in the member's removal from the rolls, search correspondence directed to the member at his last known address should be sent via "certified mail, return receipt requested."

(4) *Unlocatable officers.* The service records of officers who are reported through the Naval Manpower Information System as unlocatable will be examined periodically by the Naval Reserve Manpower Center. After a reserve officer has been listed as unlocatable for 12 months, and all efforts to locate him are unsuccessful, the Naval Reserve Manpower Center shall submit his name to the Chief of Naval Personnel for referral to the Naval Reserve Office Mobilization Disposition Board for appropriate action.

(5) *Unresponding enlisted members.* See § 713.412 regarding action to be taken in the case of enlisted members who fail to reply to official correspondence and for whom there is no current mailing address.

2. Section 713.213 is revised to read as follows:

§ 713.213 Annual qualifications questionnaire—Inactive Reserve (NAV PERS 319).

(a) *Submission.* Annually, by October 1, the Naval Reserve Manpower Center (NRMC), Bainbridge, Md. 21905, will distribute the Annual Qualifications Questionnaire—Inactive Duty Reserve (NAV PERS 319) to Naval Reserve officers on inactive duty, except retired. Prompt return of the completed questionnaire is required of recipients. Discretion, however, will be exercised to avoid sending the questionnaire to personnel in sensitive areas or positions. If it is known that an officer is not qualified for active duty by reason of physical or mental incapacity, distribution and/or submission of the questionnaire is not required.

(b) *Instructions for completion.* Detailed instructions for completion are included with the multipage, carbon interleaved questionnaire. Because of its use by promotion and disposition boards, mobilization assignment officers, and in the processing of personnel data for planning purposes, accurate and complete preparation of the questionnaire is essential.

(c) *Control of mailing and receipt.* Officers completing the questionnaire should return all pages, except the worksheet, to NRMC. NRMC will separate and distribute the completed pages as indicated at the bottom of each page. For Medical, Dental, Medical Service and Nurse Corps personnel, the copy forwarded to the Chief of Naval Personnel (Officer Records) will be routed via the Chief, Bureau of Medicine and Surgery. NRMC will exert maximum reasonable effort to obtain current information from reserve officers in order to provide for the maintenance of accurate officer records and sound mobilization planning. Should an officer return the questionnaire completed improperly, or make inappropriate or frivolous comments, NRMC will direct him to resubmit a questionnaire. If circumstances exist which prevent an officer from being called to active duty in the event of mobilization, the officer should initiate separate correspondence to the Chief of Naval Personnel immediately, and be prepared to submit documentary evidence, if requested, to support his claim and resolve his status in the Naval Reserve.

3. Section 713.217 is revised to read as follows:

§ 713.217 Naval Reserve drill reports.

(a) Expedient and accurate reporting of drill attendance and appropriate duty is necessary for recording retirement points and for crediting pay as applicable.

(b) Attendance at scheduled Naval Reserve drills, including NROS, shall be reported monthly on the Reserve Unit Personnel and Performance Report (RUPPERT), NAVPERS 192. For NROS, this is effective in Fiscal Year 1967. An individual may not appear on more than one unit RUPPERT simultaneously, except that NROS students who are also members of other units or on appropriate duty orders shall be reported, for drill attendance purposes only, in an addendum to the NROS RUPPERT captioned "Members Who Drill With Other Units or Perform Appropriate Duty."

(c) Training with the Organized Marine Corps Reserve shall be reported by the Marine Corps on form NAVMC 891-SD.

(d) Cross-service training, other than Marine Corps, shall be reported monthly on the cross-service training RUPPERT by the District Commandant or Chief of Naval Air Reserve Training, based on monthly letter reports from the commanding officers of the units with which Naval Reservists are drilling.

(e) Appropriate duty, other than symposiums, seminars, and translation projects, shall be reported monthly on the appropriate duty RUPPERT by the District Commandant or Chief of Naval Air Reserve Training, based on letter reports from the individuals concerned. Personnel on the appropriate duty RUPPERT who are members of units, except NROS students, shall be listed, for retirement credit only, in an addendum captioned "Members of Drilling Units." Lists (one copy for each attendee) of attendees at approved symposiums/seminars shall be submitted by the Commandant's designated representative in letter form directly to the Reserve Officer Recording Activity, with a copy to the Commandant concerned. Completion of translation projects shall be reported by the Commandant/CNARESTRA in letter form, to RORA or the enlisted record-holder as applicable, giving completion dates and number of retirement points earned.

(f) Procedures for preparation and disposition of the RUPPERT are set forth in Instructions for the Naval Manpower Information System, NAVPERS 15642, Part I (Inactive).

(g) Officer drill attendance information which is more than 11 calendar months old must be submitted by the Commanding Officer on a separate report. A statement signed by the Commanding Officer shall be entered on the face of the report stating the reasons for the report and that substantiating official documents prepared at the time of the purported participation verify the correctness of the information reported. The report will then be submitted to the appropriate Naval District Commandant or CNARESTRA for monitoring. Since the submission of a monitored report is tantamount to approval of the claimed participation, every precaution shall be taken to insure complete substantiation. Monitoring shall consist of, but not be limited to, the following:

(1) Determine that the report contains all required entries.

(2) Compare the information with available records to ascertain whether the officer(s) concerned was (were) duly authorized under competent orders to perform the duty reported.

(3) For units of the Specialists, Composite, and NROS Programs, determine if the unit was certified to be a "Conforming Unit" during the period of the report.

(4) Review available file copies of drill attendance reports, muster cards or other official documents, including individual service records, for the corresponding period to ascertain whether the duty reported had previously been omitted or deleted for any reason.

(5) If necessary return the report to the Commanding Officer for additional certification as to the specific substantiating documents upon which the report is based.

The fact that the report has been monitored will be certified on the face of the drill report which will then be forwarded to the Reserve Officer Recording Activity.

4. Section 713.221 is revised to read as follows:

§ 713.221 Annual report of retirement credits earned.

(a) Officers of the Ready and Standby Reserve may obtain an annual report of retirement credits earned from the Reserve Officer Recording Activity, Omaha, Nebr.

(b) This report will not be furnished officers in the Retired Reserve since they cannot earn retirement points while on inactive duty and the report furnished just prior to retirement remains current for all practical purposes.

(c) The annual report will contain the following information: (1) Retirement points earned for preceding anniversary year; (2) years of satisfactory service and retirement points earned subsequent to July 1, 1949; and (3) total years of satisfactory service.

(d) The annual report will be furnished only once each year in response to an annual request. Form NAVPERS-534 should be used for requesting this report. This form may be obtained from Naval District Headquarters, Naval Reserve Training Centers, Naval Air Stations, and Naval Air Reserve Training Units. While it is desirable that all requests for the annual report be submitted on Form NAVPERS-534, a letter request will suffice in those cases where it is impractical to obtain the form.

(e) Requests should not be submitted until four months after the termination of the anniversary year as complete participation for that year is not recorded before that date. These requests will be answered as time permits during the reserve officer's ensuing anniversary year and will indicate retirement points credited as of his last anniversary date. Followup requests for this information shall not be made as they will serve only to delay processing requests already received.

(f) If a discrepancy between the personal records of the officer and the annual report exists, the following action will be taken for reconciliation.

(1) For active duty or active duty for training, the officer concerned should submit certified copies of orders with all endorsements to the Reserve Officer Recording Activity.

(2) For drills, the officer concerned should check first with the unit in which there was drill attendance during the period in question to resolve discrepancies. If the unit's records show that the number of drills reported to the Reserve Officer Recording Activity does not compare with the annual report received by the officer concerned, a certified copy of the drill report(s) in question should be submitted to the Recording Activity for reconciliation. If the unit's records show that the officer's drills were not properly reported initially, the Commanding Officer should prepare a supplemental or corrected report as outlined in the Instructions for the Naval Manpower Information System, NAVPERS 15642, Part I, Inactive. Supplemental or corrected drill reports covering officer drill attendance which is more than 11 calendar months old shall be certified and monitored as prescribed in § 713.217.

(3) For correspondence courses, if a certificate has been received, the officer concerned should submit a certified copy to the Reserve Officer Recording Activity. If a certificate has not been received, the officer concerned should address an inquiry to the U.S. Naval Correspondence Course Center, Scotia, N.Y., for courses administered by that center, or to the cognizant activity administering the correspondence course. (See articles D-4102 and D-4108 of the Bureau of Naval Personnel Manual.)

5. Section 713.336 is amended by revising paragraphs (a), (c), (d), (e), (f), and (g) to read as follows:

§ 713.336 Reenlistment under continuous service conditions.

(a) The U.S. Navy Recruiting Manual (NAVPERS 15838 series) contains complete information for guidance of Commandants, Chief of Naval Air Reserve Training and the Navy Recruiting Service in processing individuals for reenlistment in the Naval Reserve. It should be noted that in order to retain certain advantages of continuous service, individuals must reenlist within 3 months following discharge. A person who is reenlisted on the same date of the month 3 calendar months from date of discharge is reenlisted "within 3 months." For example, a person discharged on December 7 may be reenlisted on any day up to and including March 7 and retain continuous service.

(c) Naval Reservists on inactive duty may be discharged at any time for the purpose of enlisting or reenlisting in the Regular Navy in accordance with instructions contained in the U.S. Navy Recruiting Manual (NAVPERS 15838 series).

(d) Forms required for immediate reenlistment shall be completed in accordance with the U.S. Navy Recruiting Manual (NAVPERS 15838 series). The Application for Enlistment (NAVPERS 708) will not be required on immediate reenlistment.

(e) Individuals for whom requests for waivers of any nature must be submitted will not be considered to be in the category of those who may be reenlisted immediately. These cases must be submitted for individual consideration in the Bureau of Naval Personnel and must be processed in accordance with the U.S. Navy Recruiting Manual (NAVPERS 15838 series). In lieu of submission of the application for enlistment in the U.S. Naval Reserve, applicants for immediate reenlistment shall be questioned regarding any civil offenses, police and juvenile delinquency records, or convictions having occurred since the date of their previous enlistment. If an applicant indicates that he has been arrested for any reason, he shall be processed in accordance with the U.S. Navy Recruiting Manual (NAVPERS 15838 series).

(f) Individuals who are participating in the drilling program and who are eligible for reenlistment shall be notified at least 90 days prior to expiration of enlistment or service obligation concerning such expiration and procedures established for reenlistment processing.

(g) Individuals in the Active Status Pool may be reenlisted by mail. In lieu of physical examination, the individual must submit a signed statement that, to the best of his knowledge and belief, his physical condition is substantially the same as when he was last physically examined by the Navy. The Oath of Allegiance, which is mandatory, may be administered by a commissioned officer of any component of the Navy, Marine Corps, Army, Air Force, or Coast Guard, active, inactive, or retired.

6. Section 713.351 is amended by deleting paragraphs (e)(2)(vi), (f)(2)(vi), and (h)(2)(iii) and by revising paragraphs (k)(1)(vii), (o), and (t)(1) to read as follows:

§ 713.351 Orders to inactive-duty training.

(e) Attachment of officer and enlisted personnel to Selected Reserve units of the Naval Reserve: * * *

(2) Enlisted eligibility requirements. * * *

(vi) [Deleted]

(f) Association of officer and enlisted personnel in a pay status with Selected Reserve units of the Naval Reserve: * * *

(2) Enlisted eligibility requirements.

(vi) [Deleted]

(h) Administrative procedures for attachment or association of officer and enlisted personnel in a pay status with Selected Reserve units of the Naval Reserve: * * *

(2) Enlisted. * * *

(iii) [Deleted]

(k) Termination policies for officer and enlisted personnel assigned to Selected Reserve units of the Naval Reserve:

(1) Mandatory. * * *

(vii) When an officer is selected for promotion to a grade which is higher than the authorized grade for the billet he now occupies. An officer selected to the grade of captain or commander will be transferred to a billet commensurate to or senior to the grade for which selected or be transferred to nonpay status not later than the end of the fiscal year in which selected. An officer selected to the grade of lieutenant commander or below may be retained in the billet to which assigned, provided he is in all other respects qualified, until a qualified relief is available or until the end of the fiscal year following that in which selected, whichever is earlier; he will then be transferred to an appropriate pay billet commensurate to or senior to the grade for which selected or be transferred to drilling nonpay status. The termination will be effected at the time indicated irrespective of whether the officer has accepted the appointment to the higher grade.

(o) Limitations of command and associate pay status billets:

(1) Selected Reserve: (i) The tour of command for all Naval Reserve program commanding officers and officers in charge shall not exceed 3 years. Annual review and early termination of the present incumbents, at any time, to permit the assignment of a better qualified officer are the responsibility of the Commandant/Chief of Naval Air Reserve Training. Except as indicated in (a) and (b) of this subdivision, commanding officers who are relieved of their command, for any reason, are not eligible for attachment to, or association with, their former commands in either pay or nonpay status.

(a) In those cases where no other means for affiliation with a Naval Reserve unit is available within a reasonable commuting distance, the Commandant/Chief of Naval Air Reserve Training may approve the assignment of the commanding officer in nonpay status with his former unit as the needs of the service dictate. Such assignment shall be for a minimum period of 1 year from the effective date of assignment. After this 1-year period the individual shall be eligible for assignment in associate pay status, within the same unit, provided he is otherwise eligible and a quota is available.

(b) Lieutenants and below shall not normally be considered subject to the policy of no reassignment to or within the same unit after completing a commanding officer's tenure. The Commandant/Chief of Naval Air Reserve Training may, as the needs of the service dictate and within the availability of other qualified officers of the proper grade, grant authority for those former commanding officers who served in a grade below lieutenant commander to be reassigned to the same or a like unit without regard to a waiver. This ex-

ception is not intended to provide authority for a continuous commanding-officer tenure for lieutenants beyond the normal 3-year limitation, but does provide for the reassignment to a commanding-officer billet at a future date without regard to a former command waiver.

(2) Specialist/Composite/NROS: The tour of command for all programs under this subheading shall not exceed 3 years. Early termination at any time to permit assignment of a better qualified officer is the responsibility of the Commandant. Commanding Officers who are relieved of their command, for any reason, are not eligible to command that same unit again.

(3) The period during which an officer may be in an associate pay status is limited to 3 years and he shall not be eligible for further assignment in associate pay status for a period of 2 years.

(t) Positive identification required for Naval Reserve officer participation: * * *

(1) Require the officer concerned to present an Armed Forces Identification Card, DD Form 2N (Reserve), or in lieu thereof a copy of release-from-active-duty orders. If the officer presents release-from-active-duty orders or an obsolete identification card, establish his current status from his service record and take steps to provide the officer with a valid Armed Forces Identification Card.

7. Section 713.353 is amended by revising paragraph (b) to read as follows:
§ 713.353 Orders to active service.

(b) In time of war, or national emergency, declared by the Congress or proclaimed by the President, or when otherwise authorized by law, orders to both officers and enlisted personnel to perform active naval service will be issued by the Chief of Naval Personnel or, under his instructions, by:

Commandants of naval districts.
Chief of Naval Air Reserve Training.
Fleet or Force Commanders.
Commanding Officers of: Naval Reserve Training Centers, Naval Reserve and Marine Corps Reserve Training Centers, Naval Air Stations, and Naval Air Reserve Training Units.
Commanding Officer, Naval Reserve Manpower Center.
Officers in charge, mobilization stations (when activated), or
Other officers who may be designated by the Secretary of the Navy.

Mobilization orders, issued in time of peace, to be executed in time of war, or national emergency or when otherwise authorized by law may be issued in accordance with the provisions of this paragraph.

8. Part 713 is amended by inserting § 713.353a to read as follows:

§ 713.353a Forms Alfa, Bravo, Charlie, Delta, and Easy: use of active-duty message orders for reserve officers.

(a) For the purpose of reducing the length of message orders to reserve

officers being ordered to active naval service, the forms set forth in article H-3603A of the Bureau of Naval Personnel Manual will be used by naval district commandants, recruiting offices, or other commands as appropriate, as guides in preparing written orders to be delivered to each officer concerned. Each of these forms is divided into two parts; Part I to be used by the Bureau of Naval Personnel; Part II to be used by the commandants, recruiting offices, or other commands as appropriate in implementing Part I. The combination of Parts I and II will be transmitted to each officer concerned, with ample copies for disbursing officers and movement of dependents and/or household goods.

(b) In cases where message orders are relayed to an officer by telegram the following action will be taken:

(1) The originating authority shall send the complete orders in the prescribed form.

(2) The officer concerned, upon presentation to the disbursing officer, shall endorse on the telegram he received the words "Original Orders Received" and affix his signature. This certification will be sufficient to enable the disbursing officer to make reimbursement for mileage without further confirmation.

9. Section 713.361 is amended by redesignating paragraph (b) as (c) and by inserting new paragraph (b) to read as follows:

§ 713.361 Assignment of personnel to units and transfer to the active status pool.

(b) An officer or enlisted reservist about to be released from active duty may be processed for assignment to a selected reserve and/or specialist unit immediately upon release from extended active duty. When all preliminary application routine for assignment has been accomplished prior to the member's release to inactive duty, the unit, commandant or Naval Air Reserve activity concerned may request the member's service record from the command through which the member is being processed to inactive duty. Such requests shall specify the Reserve unit to which the member will be attached upon release. The releasing activity will then forward the member's record to the requestor and transmit the following data by letter to the Commanding Officer, Naval Reserve Manpower Center, Bainbridge, Md. 21905:

- (1) Complete name.
- (2) File/service number.
- (3) Grade/rate.
- (4) Social Security number.
- (5) Selective Service number.
- (6) Security investigation: date and type (e.g., NAC 12/10/65 by OND).
- (7) Mailing address after release.
- (8) Title of Naval Reserve unit to which member will be attached.
- (9) Effective date of release from active duty.¹
- (10) Total active service.¹
- (11) Type of enlistment (e.g., USN-Minority).¹

¹ For enlisted personnel only.

(c) Personnel assigned to units in a pay or nonpay status who are unable to conform to the requirements of the appropriate units, or have demonstrated their unsuitability therefor, or for other authorized reasons may be transferred to the Active Status Pool.

10. Section 713.413 is amended by revising the introductory paragraph to read as follows:

§ 713.413 Physically disqualified reservists.

Commandants of Naval Districts, Commanding Officers of Naval Air Stations (Reserve) and Naval Air Reserve Training Units, and the Commanding Officer, Naval Reserve Manpower Center, Bainbridge, Md., are hereby authorized to take such action as may be recommended/requested by the Chief, Bureau of Medicine and Surgery, with regard to the physical fitness of members of the Naval Reserve on inactive duty. In any case where the member has reported for active duty, the Chief of Naval Personnel (Pers-B222) will be notified of this fact together with return of BUMED recommendation/request. In those cases where the member is determined by Chief, Bureau of Medicine and Surgery, to be not physically qualified for active duty or retention, the following action will be taken:

11. Section 713.444 is amended by revising paragraph (a) to read as follows:

§ 713.444 Military leave.

(a) All officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve are entitled by law to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under the orders of competent authority, on active duty or active duty for training, for periods not to exceed 15 days in a calendar year.

12. Section 713.514 is amended by adding paragraph (e) to read as follows:

§ 713.514 Group active duty for training (including air).

(e) For the purpose of recording group active duty for training, copies of orders will be distributed in accordance with the provisions of Chapter 5 of the Instructions for the Naval Manpower Information System, Part I (Inactive), NAVPERS 15642.

13. Section 713.517 is amended by deleting paragraph (g):

§ 713.517 Appropriate duty (including air).

(g) [Deleted]

14. Section 713.521 is revised to read as follows:

§ 713.521 Training overseas.

(a) Naval Reservists residing outside the boundaries of a Naval District are under the jurisdiction of the Area Commander if within the areas assigned to Commander in Chief, U.S. Naval Forces Europe; Commander, Naval Forces, Japan; Commander, Naval Forces, Marianas; or Commander, Naval Forces, Philippines. Otherwise they are under the jurisdiction of the Commandant, Fourth Naval District.

(b) Training of any kind may not be accomplished without the consent of the sovereign in whose territory the training is conducted. Care must be taken that no conflict exists between the position of the individual in the host country, and his training in the U.S. Naval Reserve.

(c) Few drilling units exist outside the United States, by reason of the small number of personnel available in a particular area as well as inaccessibility to the supervision of the Commander, Naval Reserve Training Command.

(d) Active duty for training ashore is authorized only in those countries where the United States is permitted to maintain troops of the active military forces, other than Military Assistance Advisory Groups or attaché personnel, within the boundaries of the country concerned.

(1) A member who holds diplomatic immunity shall not perform active duty for training in the country in which he holds such immunity.

(2) Training shall be in support of the member's mobilization assignment.

(3) Requests shall be forwarded to the District Commandant or Area Commander, having jurisdiction over the member, via the appropriate Naval Attaché in the country where the training is desired. The Attaché shall inform the U.S. Ambassador or Consul, and appropriate officials of the foreign government, of the request and will indicate on the request as to whether the foreign government interposes any objection in the particular instance.

(e) Active duty for training on ships of the U.S. Fleet does not involve international law and avoids possible conflict of interest. It is authorized when appropriate and when approved by the Fleet Commander concerned. Requests shall be forwarded via the Fleet Commander to the District Commandant or Area Commander having jurisdiction over the member.

(f) Correspondence courses may be undertaken only where an agreement has been reached between the United States and the foreign government for the conduct of such training. Applications shall be forwarded to the Correspondence Course Center via the appropriate Naval Attaché and the service-record holder. Where consent has been denied, the application shall be returned to the member by the Naval Attaché. If consent has not been sought, the Naval Attaché shall make appropriate inquiries prior to processing the application.

15. Section 713.522 is amended by revising paragraph (a) to read as follows:

§ 713.522 Cross-service training.

(a) Naval district commandants and other commanders authorized to issue inactive-duty training orders may also authorize naval reservists to participate in training programs of drilling units of other branches of the Armed Forces, except overseas. In addition, members of the reserve components of other branches of the Armed Forces may be authorized to participate in training programs of Naval Reserve drilling units.

(Secs. 280, 5031, 70A Stat. 14, 278, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 280, 5031)

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge
Advocate General of the Navy.

APRIL 12, 1967.

[F.R. Doc. 67-4126; Filed, Apr. 14, 1967;
8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 803—DISPOSITION OF PERSONAL PROPERTY

SUBCHAPTER C—PUBLIC RELATIONS

PART 823—INDIVIDUALS AND ORGANIZATIONS AUTHORIZED COMMISSARY STORE PRIVILEGES

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 803.1 is amended by adding a new subparagraph (4) to paragraph (a); § 803.2 is amended by revising paragraph (a) and subparagraphs (1), (2), and (3) of paragraph (b); and § 803.13 is amended by revising subparagraph (2) of paragraph (f) as follows:

§ 803.1 Definitions.

(a) * * *
(4) House trailers and contents thereof, in lieu of the shipment of household goods.

§ 803.2 Authority for shipping property of deceased and missing persons.

(a) AFM 75-4 (Movement of Personnel and Personal Property) and the Joint Travel Regulations contain the authority to ship personal property at Government expense. A military member's property is limited to 11,000 pounds net, exclusive of a privately owned motor vehicle, professional books, papers, and equipment, which are without weight limitation. The maximum amount payable by law for shipment of a house trailer is 51 cents per mile. A civilian employee's property is limited as to weight by Volume II, JTR.

(b) * * *
(1) The motor vehicle was the property of the sponsor involved, or his lawful dependent, and the ownership can be legally established.

(2) The motor vehicle was moved to its current location, or lawfully procured there, by the member or his lawful dependent prior to the date of issuance of the official status report.

(3) The motor vehicle is in a usable condition or is sufficiently valuable to warrant the expenditure of Government transportation funds.

§ 803.13 When legal representative or next of kin is known but not present.

(f) * * *
(2) Of any items which cannot be shipped at Government expense (e.g., more than one motor vehicle, airplanes, boats, outboard motors, buses, trucks in excess of ¾-ton capacity, and items that may be prohibited by U.S. customs law from entry into the United States). Requests that the recipient arrange to dispose of this property, or authorize the Summary Court to sell it by public or private sale.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [APR 143-6A, May 16, 1966]

2. Section 823.1 is amended by revising paragraph (e), adding a new paragraph (i), and renumbering present paragraphs (l) and (j) as paragraphs (j) and (k), respectively. This section now reads as follows:

§ 823.1 Authorized patrons.

(e) *Honorably discharged veterans.* Honorably discharged veterans who have a service-connected disability classified by the Veterans' Administration as being 100-percent disabled when the unemployability factor is included. Veterans' Administration letters to veterans regarding resale privileges will contain no reference to how the 100-percent rating was determined.

(i) *Office of Economic Opportunity rural camps.* Nonperishable subsistence may be sold to rural camps (100-200 men) established and operated by the Office of Economic Opportunity (OEO). Requisition leadtime, frequency of issue, and firm control to preclude sales for individual use must be determined by the installation commander or the agency selling the subsistence. Transportation for delivery is furnished by or charged to OEO. Sales may be made on a calendar month charge basis. Control of subsistence after acceptance by a rural camp is the responsibility of the camp. Sale of perishable subsistence is not authorized without prior approval of Hq USAF. The Defense Supply Agency (DSA) normally provides the subsistence support required by Urban Training Centers. Subsistence support is not furnished the camps when it will reduce the capability of installations to support the USAF combat readiness objectives, or result in curtailed support for military personnel and dependents, or infringe on required base security measures.

(j) *Others.* * * *

(k) *Agents.* * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [APR 145-15, Mar. 17, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Office
of The Judge Advocate
General.

[F.R. Doc. 67-4125; Filed, Apr. 14, 1967;
8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8540.2]

DMO 8540.2—POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

1. *Purpose.* This order prescribes the objectives, policies, and responsibilities of the National Emergency Blood Program.

2. *Cancellation.* The National Blood Program Statement of Basic Principles, dated December 1, 1962, is hereby rescinded.

3. *Background.* Provision of adequate blood and related items and activities to meet basic military, civil defense and civilian needs in an emergency is of recognized national importance. Certain government agencies and civilian blood banking systems have developed programs designed to contribute to this end. Coordination of these programs is essential to achieve maximum effectiveness and to avoid duplication of efforts and conflict of activities.

4. *Objectives.* The National Emergency Blood Program is established to develop, prior to a national emergency, the capability and readiness to make optimum use of available resources to meet the Nation's requirements for blood and related products in any such emergency. Actions directed toward this objective include planning and organization for emergency operations, standardization, and stockpiling of supplies and equipment, training of personnel in blood program techniques, and development of donor appeal measures.

5. *Policy—(a) Coordination.* No Federal agency shall duplicate the efforts of any other agency participating in this program except in situations where it is clearly recognized that the task in question cannot be otherwise adequately performed. Further, any such duplicating effort shall not be undertaken without prior agreement among the Federal agencies involved and the Office of Emergency Planning. All other agencies participating in the program are urged to coordinate their efforts with all other participants so as to avoid unnecessary duplication.

(b) *Blood collection activities.* (1) The blood collection activities of Federal agencies shall be administered so as to make maximum, efficient use of available sources while assuring minimum impact

on provision of normal blood supplies for the civilian community.

(2) The collection facilities of the Department of Defense shall be limited to Armed Services installations and blood shall be drawn only from military personnel or from civilian personnel on military installations.

(c) *Reserves.* (1) Reserves of blood products, artificial plasma volume expanders and related items shall be established and maintained by the Department of Defense and by the Department of Health, Education, and Welfare.

(2) Blood derivative reserves for the National Emergency Blood Program shall be established by contracting with the civilian suppliers for the collection of blood for this purpose, except that the Department of Defense may utilize blood salvaged from its blood collection program for the purpose of adding to the Department of Defense blood derivative reserve.

(3) Blood or blood derivatives going into the reserves shall be allocated according to military and nonmilitary defense requirements to the Department of Defense and the Department of Health, Education, and Welfare by the Director, Office of Emergency Planning.

(4) In the event of a national emergency, the total reserves of blood products, artificial plasma volume expanders and related items shall be subject to immediate reallocation by Executive order.

(d) *Emergency allocation of blood and blood derivatives.* The Director, Office of Emergency Planning, may, in an emergency, allocate blood collected by organizations actively participating in this Program. With modifications dependent on the magnitude and type of emergency, the following priorities will be applied:

(1) First priority shall be given to the allocation of blood to the Armed Services for whole blood transfusion purposes.

(2) Second priority shall be given to the allocation of whole blood and blood derivatives for civilian needs.

(e) *Recruitment of volunteer blood donors.* When directed by the Office of Emergency Planning, the total donor recruitment program shall be geared to recruiting donors for the Blood Program as a whole rather than for specific parts of the whole. The various agencies involved in this program shall unite in a coordinated effort to inform the people clearly of the urgent need for blood. The Office of Emergency Planning shall designate the agency to administer this effort.

6. *Responsibilities.* (a) The Office of Emergency Planning will exercise authoritative coordination of the program. It will develop and promulgate overall policy guidance and will adjudicate conflicts between participating Federal agencies. The Health Resources Advisory Committee, with the assistance of the Committee on Blood, will assist the

Director, Office of Emergency Planning, in the discharge of these responsibilities.

(b) The Department of Defense is responsible for administering the military aspects of this program.

(c) The Department of Health, Education, and Welfare is responsible for the nonmilitary aspects of this program as part of its assignment of responsibility for planning the mobilization of the nation's civilian health resources.

(d) The Secretary of Defense shall maintain an interagency committee to coordinate Federal agency funding and programing aspects for research and development projects relating to the National Emergency Blood Program so as to best support that program. However, this mission should not be construed as control or direction of the research of any agency represented on this committee.

(e) The National Research Council shall:

(1) Formulate, evaluate, and recommend programs and projects relating primarily to scientific aspects of the National Emergency Blood Program.

(2) Recommend actions which may be taken by the various agencies involved in the operation of the National Emergency Blood Program based on relevant research determinations.

7. *Interagency research relationships.*

(a) Funds shall be provided for the work of the National Research Council in connection with the National Emergency Blood Program by participating agencies in accordance with established practices.

(b) Interested Federal agencies, such as the Office of Emergency Planning, Department of Defense, Public Health Service, and the Food and Drug Administration, shall seek the advice of the National Research Council on problems relating primarily to the scientific aspects of Research and Development for the National Emergency Blood Program.

(c) The National Research Council, the Department of Defense interagency committee, and the Office of Emergency Planning shall keep each other informed of program developments.

8. *Reporting.* (a) Reports of the activities of the Council and the committee shall be submitted when and as requested by the Office of Emergency Planning.

(b) As and when directed by the Office of Emergency Planning, the Department of Health, Education, and Welfare, and the Department of Defense, shall provide the Office of Emergency Planning with reports covering (1) the respective requirements and reserves of blood program items; and (2) related activities.

Dated: April 10, 1967.

FARRIS BRYANT,
Director, Office of
Emergency Planning.

[P.R. Doc. 67-4143; Filed, Apr. 14, 1967;
8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 981]

PART 195—CAR SERVICE

Boxcar Distribution Directions; Appointment of Agents

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 10th day of April A.D. 1967.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities and is causing such acute shortages of freight cars, particularly boxcars, in all sections of the country as to close industrial plants and to impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that notwithstanding the nationwide nature of the boxcar shortage, that shortage is more acute in areas served by certain railroads where such boxcar supply immediately available to meet shipper loading demands is proportionately lower than the ratio of the boxcar supply to demand in other areas; that existing carrier rules, regulations, and practices with respect to the supply and distribution of boxcars to the areas of greatest need are ineffective; and that car service will be promoted in the interest of the public through the issuance of car distribution directions for the handling of empty boxcars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 195.981 Service Order No. 981.

(a) *Boxcar distribution directions—appointment of agents.* In order to meet the needs of those areas having more acute car shortages, as mentioned in the appearing paragraph, R. D. Pfahler, Director, and Martin E. Foley, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to issue car distribution directions with respect to the location and relocation of empty cars, and to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers by railroads as in their opinion will best promote the service in the interest of the public and the commerce of the people.

RULES AND REGULATIONS

(b) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., April 12, 1967.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10-17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered. That a copy of this order and direction 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 that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4168; Filed, Apr. 14, 1967;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is per-

mitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,164 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 6, 1967, through September 14, 1967, daylight hours only.

(2) The use of motor boats on Mann Lake is not permitted. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1967.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon
National Wildlife Refuge,
Cayuga, N. Dak.

APRIL 7, 1967.

[F.R. Doc. 67-4135; Filed, Apr. 14, 1967;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 27, 28]

REPACKED COTTON

Notice of Proposed Rule Making

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amendments of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A) and the Regulations under the U.S. Cotton Standards Act (7 CFR Part 28, Subpart A), pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in section 10 of the U.S. Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61).

Statement of considerations. Repacked cotton, according to the present definition, is a bale of cotton which is composed of factors', brokers' or other samples or of loose or miscellaneous lots of cotton, or a bale which is composed of cotton from two or more bales or parts of bales. Present harvesting and ginning practices result in most cotton gins accumulating remnants of ginned lint (parts of bales) throughout the ginning season. When two or more of these remnants are combined at the gin to make a bale of cotton such bales are repacked cotton under the present definition. It is not possible to identify such bales as repacked unless the ginner so designates them at the time the remnants are combined. These bales are readily merchantable bales of cotton. Under the proposed definition, bales made at the gin by combining remnants (parts of bales) would not be repacked. Bales composed of factors', brokers' or other samples or of loose or miscellaneous lots of cotton, or a bale which is composed of cotton from two or more bales or parts of bales after the cotton leaves the gin, would still be repacked cotton.

Ginners usually combine remnants of similar quality. If remnants of different qualities are combined, the lowest quality in either outer side of the bale will be detected by normal sampling and classing procedures. The definition for false packed cotton will cover those bales where a remnant of inferior quality is placed in the interior of the bale so as not to be detected by usual sampling and classing procedures.

Since bales made of remnants combined at the gin are: (1) Not identifiable; (2) classed and priced on quality within the bale; and (3) readily merchantable, it is proposed under the amendment that the following words will be added at the

end of the present definition of repacked cotton: "that are combined after the cotton leaves the gin."

Under the proposed amendments, paragraph (e) of § 27.38 of the Regulations for Cotton Classification under Cotton Futures Legislation and paragraph (e) of § 28.40 of the Regulations Under the U.S. Cotton Standards Act would both be amended to read as follows:

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales that are combined after the cotton leaves the gin.

It is proposed that the amendments would become effective June 1, 1967.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rule-making shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Done at Washington, D.C., this 11th day of April 1967.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 67-4156; Filed, Apr. 14, 1967;
8:47 a.m.]

[7 CFR Parts 1030, 1031, 1038, 1039,
1044, 1045, 1051]

[Docket No. AO 361, etc.]

MILK IN CHICAGO, ILL., AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Marketing Agreements and Orders and Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	Docket Nos.
1030	Chicago.....	AO 861.
1031	Northwestern Indiana.....	AO 170-A24.
1038	Rock River Valley.....	AO 194-A17.
1039	Milwaukee.....	AO 212-A22.
1044	Michigan, Upper Peninsula.....	AO 299-A13.
1045	Northeastern Wisconsin.....	AO 334-A12.
1051	Madison.....	AO 329-AR.

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 Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on May 3, 1967, at the Airways Inn Hotel, 5311 South Howell Avenue, Milwaukee, Wis., beginning at 10 a.m., local time, on May 16, 1967, and at such other times and places as the Hearing Examiner designates, with respect to proposed marketing agreements and orders to regulate the handling of milk in the Chicago, Ill., marketing area and proposed amendments to tentative marketing agreements and orders, regulating the handling of milk in the Northwestern Indiana, Rock River Valley, Milwaukee, Michigan Upper Peninsula, Northeastern Wisconsin, and Madison marketing areas.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreements and orders, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the areas proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the respective proposed areas, and (3) whether provisions specified in the proposals or some other provisions appropriate under the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposed marketing agreements and orders would regulate under one or more orders, one or more of the areas now regulated under separate orders, along with the area previously regulated by the Chicago, Ill., order (now terminated except for §§ 1030.82 and 1030.83). The areas involved are: Chicago, Rock River Valley, Madison, Milwaukee, Northeastern Wisconsin, Michigan Upper Peninsula, and Northwestern Indiana.

The issues raised by these proposals include whether the declared policy of the Act would tend to be effectuated by:

(a) Consolidation of one or more of the above marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders and in the area previously regulated by the Chicago, Ill., order; and

(b) The adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order

or any combination of such orders, including a review of the appropriate pricing and pooling structure of the orders whether separate or in any combination. The issue of consolidation of marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing funds, and administrative funds accumulated under the respective orders.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Pure Milk Association:

Proposal No. 1.

DEFINITIONS

§ 1030.1 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.).

§ 1030.2 Secretary.

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

§ 1030.3 Department.

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

§ 1030.4 Person.

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

§ 1030.5 Cooperative association.

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

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

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

§ 1030.6 Northern Illinois-Southern Wisconsin marketing area.

"Northern Illinois-Southern Wisconsin marketing area", hereinafter called the "marketing area" includes the following territory: The counties of Cook, Du Page, Will, Lake, McHenry, Kane, Kendall, De Kalb, Boone, Winnebago, Ogle, Lee, Stephenson, Carroll, Jo Daviess (except the city of East Dubuque) and the townships of Coloma, Hahnman, Hopkins, Hume, Jordan, Montmorency, Sterling, and Tampico in Whiteside County, all in the State of Illinois; and the counties of Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Jefferson, Dodge, Columbia, Dane, Rock, Green, Lafayette, Iowa, Grant, Crawford, Richland, Sauk, Juneau, Vernon, Monroe, La Crosse and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield and

the city of Waupun in Fond du Lac County, all in the State of Wisconsin.

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fluid filled milk products, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

§ 1030.8 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 I pursuant to § 1030.41(a)(1).

§ 1030.9 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.

§ 1030.10 Supply plant.

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

§ 1030.11 Reload point.

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant operation.

§ 1030.12 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: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered a part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 50 percent of the total Grade A fluid milk products received during the month is either distributed on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants; and

(2) Not less than 10 percent of such receipts during the month is either distributed in the marketing area on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants and distributed in the marketing area on routes from such plants.

(b) A "regular pool supply plant or reload point" is any supply plant or reload point that was a pool plant under

order Nos. 30, 38, 39, and 51 for each of the twelve (12) months of May 1965 through April 1966 and meets the following requirements:

(1) For each of the months from April 1966 through the month determined by the Department as the representative month for referendum purposes on this part, the milk received at the plant continues to meet the Grade A milk requirements for use in fluid milk products of the health authority which approved the plant or reload point during the months of May 1965 through April 1966; and

(2) After the effective date of this part at least 20 percent, or the call percentage announced by the market administrator pursuant to paragraph (f) of this section, whichever is greater, of the volume of Grade A milk received from dairy farmers during the month is:

(i) Shipped in the form of fluid milk products to and physically received in pool plants pursuant to paragraph (a) of this section; and

(ii) Shipped as a fluid milk product to a partially regulated distributing plant and assigned to Class I pursuant to § 1030.43(d).

(c) An "other pool supply plant or reload point" is any supply plant or reload point not qualified as a pool plant pursuant to paragraph (b) of this section from which at least 50 percent, or the call percentage announced by the market administrator pursuant to paragraph (f) of this section, whichever is greater, of the volume of Grade A milk received from dairy farmers during the month is:

(1) Shipped in the form of fluid milk products to and physically received in pool plants pursuant to paragraph (a) of this section; and

(2) Shipped as a fluid product to a partially regulated distributing plant and assigned to Class I pursuant to § 1030.43(d).

(d) A plant or reload point which met the requirements of either paragraph (b) or (c) of this section during each of the months of July through December shall be a pool plant for each of the following months of January through June unless:

(1) It fails to meet an announced call percentage for January or February;

(2) 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

(3) 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 be designated a nonpool plant for such month and each subsequent month through June during which it would not otherwise qualify as a pool plant.

(e) Two or more supply plants and reload points may be considered as a unit for the purpose of meeting the pool plant requirements specified in paragraphs (b), (c), and (d) of this section if the following conditions are met:

(1) The plants and reload points included in the unit are owned or fully

leased and operated by the handler establishing a unit;

(2) During each of the months of July through December each supply plant or reload point described in paragraphs (b) and (c) of this section meets the 20 and 50 percent requirements, respectively, specified therein;

(3) During each of the months of January and February, the unit meets the applicable call percentage announced by the market administrator;

(4) The handler establishing a unit notifies the market administrator in writing of the plants or reload points to be included therein prior to July 1 of each year and no additional plants or reload points shall be added to the unit prior to July 1 of the following year; and

(5) The notification pursuant to subparagraph (4) of this paragraph shall list the plants in the order in which they shall be excluded from the unit if a call percentage announced by the market administrator is not met during the months of July through February, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the call percentage.

(f) A call percentage shall be computed and announced as follows:

(1) Prior to the first day of each of the months of July through February the market administrator shall make the following estimates and computations:

(i) Estimate the pounds of Class I milk for the month which will be utilized by handlers in packaged fluid milk products;

(ii) Subtract from the estimated Class I milk the estimated pounds of milk which will be received at pool distributing plants during the month from (a) producers, and (b) pool supply plants which normally ship most of their milk to pool distributing plants; and

(iii) Divide the remaining pounds of Class I milk by the estimated receipts of producer milk at pool supply plants except those described in subdivision (ii) of this subparagraph, round to the nearest full percent and subtract 10 percentage points;

(2) If the resulting percentage is 25 or more, it shall be announced as the call percentage by the market administrator on or before the first day of the month to which it applies and the announcement shall set forth the data upon which the percentage was based; and

(3) The market administrator may reduce or increase the call percentage at any time during the month if he determines that more or less milk than is needed for Class I purposes is being delivered to distributing plants.

§ 1030.13 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 § 1030.12 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.

§ 1030.14 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 person in his capacity as a broker buying from or selling fluid milk products to a person described in paragraph (a) or (b) of this section;

(d) 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;

(e) 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;

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

(g) A producer-handler.

§ 1030.15 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.

§ 1030.16 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 § 1030.17 from a pool plant to a nonpool plant.

§ 1030.17 Producer milk.

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

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1030.14(e); or

(b) Diverted from a pool plant to a nonpool plant other than an other 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 except that:

(1) In any of the months of July through December, 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; and

(2) In any month when the quantity of a producer's milk is diverted for more than 6 days, the uniform price applicable to the quantity of milk diverted on the seventh day and any subsequent days shall be the price announced for the zone location of the nonpool plant(s) where the milk is actually received.

§ 1030.18 Other source milk.

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

(a) 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

(b) 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.

§ 1030.19 Butter price.

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

MARKET ADMINISTRATOR

§ 1030.20 Designation.

The agency for the administration of this part shall be a market administra-

tor, 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.

§ 1030.21 Powers.

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

- (a) Administer its terms and provisions;
- (b) Receive, investigate, and report complaints of violations to the Secretary;
- (c) Make rules and regulations to effectuate its terms and provisions; and
- (d) Recommend amendments to the Secretary.

§ 1030.22 Duties.

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

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds provided by § 1030.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1030.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- (f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1030.30 and 1030.31 or payments pursuant to §§ 1030.70, 1030.74, 1030.76, 1030.77, and 1030.78.
- (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;
- (h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler de-

pends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate for the benefit of producers, consumers and handlers such statistics and information as he deems advisable and as do not reveal confidential information;

- (j) Publicly announce on or before:
 - (1) The 5th day of each month the Class I milk price pursuant to § 1030.51 (a) and the Class I butterfat differential pursuant to § 1030.52(a), both for the current month, and the Class II milk price pursuant to § 1030.51(b) and the Class II butterfat differential pursuant to § 1030.52(b); and
 - (2) The 14th day after the end of each month the uniform price pursuant to § 1030.62 and the butterfat differential pursuant to § 1030.71;

(k) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1030.45(a) (9) and the corresponding step of § 1030.45(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;

(l) 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 § 1030.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which 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

§ 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler except a handler pursuant to § 1030.14 (f) and (g) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

- (a) The quantities of skim milk and butterfat contained in or represented by:
 - (1) Milk received from producers and from handlers pursuant to § 1030.14(e);
 - (2) Fluid milk products received from pool plants of other handlers;
 - (3) Other source milk;
 - (4) Milk diverted to nonpool plants pursuant to § 1030.17; and
 - (5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

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

§ 1030.31 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 § 1030.14(e) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 10th 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.

(d) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th 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 deductions.

§ 1030.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of 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.

§ 1030.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1030.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1030.30 (excluding transfers from a pool plant to an other order plant(s) that are offset by receipts from the other order plant(s) pursuant to § 1030.43(e)) shall be classified each month pursuant to the provisions of §§ 1030.41 through 1030.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1030.41 Classes of utilization.

Subject to the conditions of § 1030.43, 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 and butterfat in fluid milk products delivered in bulk form to and used at commercial food establishments in the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(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 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;

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

(6) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1030.14(e) or diverted to a nonpool plant pursuant to § 1030.17);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1030.14(e): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent.

(iii) Plus 1.5 percent of bulk fluid milk products received from pool plants of other handlers;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler); and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1030.42(b) (2).

§ 1030.42 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 contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1030.41(b) (6); and

(2) Other source milk exclusive of that specified in § 1030.41(b) (6).

§ 1030.43 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: *Provided*, That, the skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1030.45(a) (9) and the corresponding step of § 1030.45(b);

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located outside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is

neither an other order plant nor a producer-handler plant and is located inside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1030.30;

(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:

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

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

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

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant(s) (under the same order) of a handler pursuant to § 1030.14 (f), in excess of receipts from such plant(s) in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

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

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product 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 § 1030.41.

§ 1030.44 Computation of skim milk and butterfat in each class.

For each month, each handler shall compute the pounds of skim milk and butterfat in each class in the following manner:

(a) The pounds of butterfat shall be ascertained by multiplying the pounds of milk or milk product disposed of as Class I or used to produce a Class II milk product by its average butterfat content.

(b) The pounds of skim milk shall be ascertained by subtracting the pounds of butterfat computed pursuant to paragraph (a) of this section, from the weight of milk or a milk product disposed of as Class I milk or used to produce a Class II milk product: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

(c) A handler may claim, for classification purposes pursuant to §§ 1030.40 through 1030.45, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk

in his report for the delivery period filed pursuant to § 1030.30(a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 1030.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.44, each handler for each month shall determine the classification of producer milk as follows:

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

(1) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1030.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products in packaged form from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of similar transfers to such plant(s), as follows:

(i) From Class II 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 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 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 pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of

similar transfers to such plant(s), if Class II utilization was requested by both handlers;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in 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 of skim milk subtracted pursuant to subparagraph (2) 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 (5)(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) (under the same order) of a handler pursuant to § 1030.14(f), in excess in each case of similar transfers to such plant(s) that were not subtracted pursuant to subparagraph (5)(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 § 1030.22(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 remaining pounds of skim milk 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 § 1030.43(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.

MINIMUM PRICES

§ 1030.50 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 butter price times 0.12 and rounded to the nearest cent.

§ 1030.51 Class prices.

Subject to the provisions of § 1030.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be an amount arrived at by computing an economic index with the year 1958 as the base period as follows:

(1) Compute a Midwest per capita income index based upon the latest reported quarterly figures released by the U.S. Department of Commerce, as follows:

(i) Divide the current annual rate of per capita personal income for the State of Missouri by \$2,044 and multiply the result by 20.27.

(ii) Divide the current annual rate of per capita personal income for the State of Illinois by \$2,451 and multiply the result by 47.69.

(iii) Divide the current annual rate of per capita personal income for the State of Wisconsin by \$1,989 and multiply the result by 19.02.

(iv) Divide the current annual rate of per capita personal income for the State of Iowa by \$1,921 and multiply the result by 13.02.

(v) Add together the result of subdivisions (i) and (iv) of this subparagraph.

(vi) Multiply the result arrived at in subdivision (v) of this subparagraph by 0.15.

(2) Compute a consumer food price index by dividing the U.S. consumer food price index as reported by the Bureau of Labor Statistics for the most recent month by 1.019 and multiply the result by 0.15.

(3) Compute an index of farm prices received by dividing the index of prices received by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.50 and multiply the result by 0.20.

(4) Compute an index of farm prices paid by dividing the index of the prices paid by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.93 and multiply the result by 0.20.

(5) Compute an index of Midwest manufacturing milk prices by dividing the Minnesota-Wisconsin price as reported by the U.S. Department of Agriculture for the most recent month by 0.03 and multiply the result by 0.30.

(6) The economic index shall be the sum of subparagraphs (1) through (5) of this paragraph.

(7) Compute an economic index price by multiplying the result of subparagraph (6) of this paragraph by \$0.040366 and round to the nearest full cent: *Provided*, That the resulting price shall not exceed the basic formula price by more than \$1.40 nor be less than the basic formula price plus \$1.

(8) Utilizing the price computed pursuant to subparagraph (7) of this paragraph, determine the appropriate price bracket and the resulting Class I price: *Provided*, That no price change will be made until the price level computed in subparagraph (7) of this paragraph increases to the next highest bracket or drops to the next lowest bracket.

APPLICABLE BRACKETS FOR FINAL PRICE COMPUTATION

Price range	Class I price
\$4.25 to \$4.35	\$4.30
\$4.40 to \$4.50	4.45
\$4.55 to \$4.65	4.60
\$4.70 to \$4.80	4.75
\$4.85 to \$4.95	4.90
\$5.00 to \$5.10	5.05
\$5.15 to \$5.25	5.20
\$5.30 to \$5.40	5.35

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

§ 1030.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1030.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.12.

(b) *Class II price.* Multiply the butter price for the preceding month by 0.12.

§ 1030.53 Location adjustments to handlers.

(a) The market administrator shall determine the zone location of each plant at which milk is to be priced under this part on the following basis and the zone rates shall be as follows:

(1) Zone 1—adjustment rate—none. Zone 1 shall consist of the territory within the townships of Warren, Waukegan, Libertyville, Shields, Vernon, West Deerfield, Deerfield, and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox and Frankfort in Will County, all in the State of Illinois.

(2) Zone 2—adjustment rate—2 cents per hundredweight of milk. Zone 2 shall consist of the territory outside of Zone 1 but not to exceed 55 miles from the city hall in Chicago.

(3) For plants located beyond Zone 2, the adjustment rate shall be 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 55 miles. The territory beyond 55 miles, but not to exceed 70 miles, shall be Zone 3 and each successive 15-mile area shall be an additional zone.

(b) The mileages applicable pursuant to this section and § 1030.72 shall be determined by the market administrator and shall be the shorter of either the rail or highway distance, arrived at as follows:

(1) The rail distance shall be the sum of the following:

(i) The highway distance between the handler's plant or reload point and the railroad loading point (but not to exceed 25 miles);

(ii) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(iii) The highway distance between the appropriate rail terminal and the Chicago City Hall.

(2) Mileage shall be subject to re-determination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) The market administrator shall notify each handler of the zone determination.

(d) A handler who operates a pool distributing plant shall receive a location adjustment credit computed as follows:

(1) Subtract from the handler's total packaged Class I milk the quantity of such milk received from other handlers and nonpool plants, add the quantity of Class I unaccounted-for milk and multiply the result by 110 percent. To the quantity as determined aforesaid add the quantity of the closing inventory in the handler's pool distributing plant(s) and subtract the quantity of opening inventory at such plant(s).

(2) Subtract from the handler's total packaged Class I milk the quantity of such milk received from other handlers and nonpool plants, add the quantity of Class I unaccounted-for milk and multiply the result by 105 percent. To the quantity as determined aforesaid add the quantity of the closing inventory in the handler's distributing plant(s), subtract the quantity of opening inventory at such handler's pool distributing plant(s), subtract the quantity of opening inventory at such plant(s) and add the quantity of skim milk and butterfat used to produce cottage cheese in the handler's pool distributing plant(s).

(3) The quantities of bulk fluid milk products received at the handler's pool distributing plant(s) from producers and pool supply plants shall be assigned to location zones, pursuant to paragraph (a) of this section and the quantity in each zone shall be multiplied by the applicable zone rate unless the sum of such receipts exceeds the greater of the quantities determined pursuant to subparagraph (1) or (2) of this paragraph in which event the latter figure shall be divided by the former, the resulting percentage shall be applied to the quantities of milk assigned to each location zone and the resulting quantities shall be multiplied by the applicable zone rates;

(4) Multiply by the applicable zone rates the quantity of Class I bulk fluid milk products shipped from the handler's pool distributing plant(s) to nonpool plants; and

(5) Add together the values obtained pursuant to subparagraphs (3) and (4) of this paragraph.

(e) A handler who operates a pool supply plant shall receive a location adjustment credit at the plant's zone rate on producer milk at such plant classified as Class I that is not shipped as a bulk fluid milk product to another pool plant.

§ 1030.54 Equivalent prices.

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

§ 1030.55 Skim milk and butterfat prices.

The prices per hundredweight of skim milk and butterfat in each class shall be computed as follows:

(a) *Skim milk price.* Subtract from the applicable class price per hundredweight of milk containing 3.5-percent butterfat the result obtained from multiplying the applicable butterfat-differential pursuant to § 1030.52 by 35; and

(b) *Butterfat price.* Add to the applicable class price per hundredweight of milk containing 3.5-percent butterfat the result obtained from multiplying the applicable butterfat-differential pursuant to § 1030.52 by 965.

APPLICATION OF PRICES

§ 1030.60 Computation of the net pool obligation (or credit) of each handler.

The net pool obligation (or credit) of each handler, pursuant to § 1030.14 (a), (d), and (e) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of skim milk and butterfat in producer milk in each class as computed pursuant to § 1030.45 by the applicable skim milk and butterfat prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1030.45(a)(11) and the corresponding step of § 1030.45(b) by the applicable skim milk and butterfat prices;

(c) Add the amount obtained from multiplying the difference between the Class II skim milk and butterfat prices for the preceding month and the Class I skim milk and butterfat prices for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1030.45(a)(6) and the corresponding step of § 1030.45(b);

(d) Add an amount equal to the difference between the Class I and Class II skim milk and butterfat price values of the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1030.45(a)(4) and the corresponding step of § 1030.45(b);

(e) Add the value at the Class I skim milk and butterfat prices (after deducting the location adjustment rate for the zone in which the nearest nonpool plant is located from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1030.45(a)(8) and the corresponding step of § 1030.45(b); and

(f) Subtract an amount equal to the location adjustment credits computed pursuant to § 1030.53.

§ 1030.61 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall correct for mathematical and obvious errors the reports of handlers submitted pursuant to § 1030.30 and shall compute an aggregate value from which to determine the uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1030.60 for all handlers who reported pursuant to § 1030.30 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 is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.71 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 § 1030.72 (a) and (b); and

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

§ 1030.62 Computation of uniform price.

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

(a) Divide the aggregate value computed pursuant to § 1030.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.60(e); and

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

§ 1030.63 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 § 1030.30 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1030.60 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 clas-

sified 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 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 § 1030.60(e) and a credit in the amount specified in § 1030.74(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 § 1030.30 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 § 1030.12(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 in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I skim milk and butterfat prices (after deducting the location adjustment rate for the zone in which the nonpool plant is located) subtract its value at the uniform price pursuant to § 1030.62 at the same location or at the Class II price, whichever is higher.

PAYMENTS

§ 1030.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or be-

fore the 18th day after the end of the month not less than the uniform price pursuant to § 1030.62 adjusted pursuant to §§ 1030.71, 1030.72, and 1030.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section; and

(b) Each handler shall pay a cooperative association on or before the 15th day after the end of the month an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority.

§ 1030.71 Butterfat differential to producers.

The uniform price pursuant to § 1030.62 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 butter price for the month by 0.12.

§ 1030.72 Location differentials to producers and on nonpool milk.

The uniform price pursuant to § 1030.62 shall be adjusted as follows:

(a) For producer milk received at a pool plant outside Zone 1 as described in § 1030.53(a) (1) and within 55 miles of the Chicago City Hall deduct 2 cents per hundredweight.

(b) For producer milk received at a plant which is 55 miles or more from the Chicago City Hall, deduct 4 cents per hundredweight for the first 70 miles or less and 2 cents per hundredweight for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the Chicago City Hall.

§ 1030.73 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 and out of which he shall make all payments from such fund pursuant to §§ 1030.63, 1030.74, 1030.75, and 1030.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1030.74 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1030.60 for 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 from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.60(e).

§ 1030.75 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.74(b) exceeds the amount computed pursuant to § 1030.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1030.76 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1030.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies, 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 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1030.78 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 18th day after

the end of each month 2 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 § 1030.45(a) (4) and (8) and the corresponding steps of § 1030.45(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.

§ 1030.79 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 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 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the 1st day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of

the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 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

§ 1030.80 Effective time.

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

§ 1030.81 Suspension or termination.

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

§ 1030.82 Continuing power and duty of the market administrator.

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

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

§ 1030.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any

funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1030.90 Separability of provisions.

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

§ 1030.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by the Association of Operating Dairy Cooperatives: The Association of Operating Dairy Cooperatives supports Proposal No. 1 with the modifications set forth below.

Proposal No. 2. Modify § 1030.12 of Proposal No. 1 as follows:

A. The introductory text of § 1030.12 (b): "Regular pool supply plant or reload point" is any supply plant or reload point that was a pool plant under orders No. 30, 38, 39, and 51 for each of the twelve (12) months of May 1965 through April 1966; and after the effective date of this part, meets the following requirements:

B. Section 1030.12(e):

(e) Two or more supply plants and reload points may be considered as a unit for the purpose of meeting the pool plant requirements specified in paragraphs (b), (c), and (d) of this section if the following conditions are met:

(1) The plants and reload points included in the unit are owned or fully leased and operated by the handler establishing a unit, or, in the case of supply plants operated by a cooperative, the plants included in the unit are under the control of a cooperative handler with respect to the marketing of fluid milk received at the plants of such unit pursuant to a written contractual agreement obligating each such plant to ship, at the call of the designated handler, the minimum shipping percentages prescribed by paragraphs (b) and (c) of this section.

(2) During each of the months of July through December each supply plant (except a cooperative supply plant described in subparagraph (1) of this paragraph) or reload point described in paragraphs (b) and (c) of this section meets the 20- and 50-percent requirements, respectively, specified therein.

(3) The notification pursuant to subparagraph (4) of this paragraph shall list the plants in the order in which they shall be excluded from the unit if a call

percentage announced by the market administrator is not met by the unit during the months of July through February, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the call percentage.

C. Add § 1030.12(d) (4):

(4) If, during July through December a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than 2 consecutive months.

Proposal No. 3. Modify § 1030.51(b) of Proposal No. 1 as follows:

(b) *Class II milk price.* The Class II price shall be the basic formula price for the preceding month projected for the current 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 average Chicago butter price for the month as described in § 1030.19 subtract 3 cents and multiply the remainder by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S. Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

Proposed by Associated Milk Dealers, Inc.:

Proposal No. 4. Amend § 1030.6 of Proposal No. 1 by including the following territory:

(a) The counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca, and Winnebago, all in Wisconsin, including all towns, villages, and cities;

(b) The county of Fond du Lac, Wis., exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun;

(c) The city of Sturgeon Bay in Door County, Wis.

(d) The towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee,

Norris, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon, and Rothschild, and the cities of Mosinee, Schofield, and Wausau, all in Marathon County, Wis.

(e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wis.; and

(f) The towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga, and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wis.

Proposed by Sealtest Foods, Division of National Dairy Products Corporation:

Proposal No. 5. If a Northern Illinois-Wisconsin merged order complex is issued, provide that the marketing area of such merged order be specified as follows:

§ 1030.6 Northern Illinois-Wisconsin marketing area.

"Northern Illinois-Wisconsin marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the following named counties, towns and villages: The counties of Cook, Du Page, Will, Lake, McHenry, Kane, Kendall, De Kalb, Boone, Winnebago, Ogle, Lee, Stephenson, Carroll, Jo Daviess (except the city of East Dubuque) and the townships of Coloma, Hahnman, Hopkins, Hume, Jordan, Montmorency, Sterling and Tampico in Whiteside County, all in the State of Illinois; and the counties of Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Jefferson, Dodge, Columbia, Dane, Rock, Green, Lafayette, Iowa, Grant, Crawford, Richland, Sauk, Juneau, Vernon, Monroe, La Crosse and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield and the city of Waupun in Fond du Lac County, all in the State of Wisconsin; the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca, and Winnebago, all in Wisconsin, including all towns, villages, and cities; the county of Fond du Lac, Wis., exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun, the city of Sturgeon Bay in Door County, Wis.; the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norris, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon, and Rothschild, and the cities of Mosinee, Schofield, and Wausau, all in Marathon County, Wis.; Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wis.; and the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga, and Seneca, the villages

of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wis.

Proposed by Fairmont Foods Co.:

Proposal No. 6. If the marketing area of a merged order includes the marketing area as defined in the Milwaukee order the area should include also the marketing area as defined in the North-eastern Wisconsin order.

Proposed by Gehl Guernsey Farms, Inc.:

Proposal No. 7. Modify Proposal No. 1 by deleting § 1030.12(c) and revising § 1030.12(b) as follows:

(b) A "pool supply plant or reload point" is any supply plant or reload point that meets the following requirements:

- (1) Delete entirely.
- (2) After the effective date of this part at least 20 percent, or the call percentage announced by the market administrator pursuant to paragraph (f) of this section, whichever is greater, of the volume of Grade A milk received from dairy farmers during the month is:

(i) Shipped in the form of fluid milk products to and physically received in pool plants pursuant to paragraph (a) of this section; and

(ii) Shipped as a fluid milk product to a partially regulated distributing plant and assigned to Class I pursuant to § 1030.43(d).

Proposed by Twin Pines Farm Dairy:
Proposal No. 8. In any proposed order for Northern Illinois and Southern Wisconsin provide a section as follows:

§ 1030. Class I milk price for milk sold in another Federal order area.

All Class I milk sold in another Federal order area by a handler in this area (except a route that distributes in two areas) or sold to a handler in another Federal order area for Class I utilization, shall be settled through the pool at the Class I price in the area in which sold or at the location of the purchasing handler, less a transportation allowance (at the rates provided in such order) from the point of origin to the nearest point of the order area in which the delivery is made, but such Class I price shall not be less than the Northern Illinois-Southern Wisconsin price at the point of origin.

Proposed by Pure Milk Products Cooperative:

Proposal No. 9.

DEFINITIONS

§ 1030.1 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.).

§ 1030.2 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.

§ 1030.3 Department.

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

§ 1030.4 Person.

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

§ 1030.5 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, known as the "Capper-Volstead Act"; and

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

§ 1030.6 Chicago, Ill., marketing area.

"Chicago, Ill., marketing area" hereinafter called the "marketing area" includes the following territory: The counties of Cook, Du Page, Will, Lake, McHenry, Kane, and Kendall, all in the State of Illinois; and the counties of Lake, Porter, La Porte, St. Joseph, Elkhart, Kosciusko, Marshall, and Starke, all in the State of Indiana, including all incorporated and unincorporated cities, towns, and villages within such counties.

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

§ 1030.8 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 I pursuant to § 1030.41(a)(1), or a product classified as Class Ia pursuant to § 1030.41(b).

§ 1030.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product, or any other milk product required to be made from Grade A milk by a health authority having jurisdiction within the marketing area, that is processed or packaged in such plant, is disposed of during the month on routes in the marketing area.

§ 1030.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk or Grade A fluid product is shipped during the month to a pool distributing plant, or is qualified to make such shipments.

§ 1030.11 Reload point.

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant operation.

§ 1030.12 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a), (b), or (c) of this section: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any milk product for Grade A disposition, it shall not be considered a part of a pool plant pursuant to this section.

(a) A distributing plant as defined in § 1030.9; or

(b) A supply plant which:

(1) During the first 3 months after the effective date of this order holds a permit to sell milk to a distributing plant as defined in § 1030.9 and declares in writing to the market administrator before the 1st day of the month that it wishes to be considered as a pool plant;

(2) Beginning 3 months after the effective date of this order, during the month ships to a distributing plant, as defined in § 1030.9, at least 30 percent of its Grade A producer receipts of butterfat and/or skim milk: *Provided*, That 8.77 pounds of milk solids not fat shall be considered equivalent to 100 pounds of producer receipts of skim milk for purposes of pool plant qualification under this paragraph; or

(c) A supply plant which during each of the preceding three months has qualified as a pool plant and, which:

(1) For each month except March, April, May, and June declares in writing to the market administrator by the 5th day of the month the amount of milk which it is willing to dispose of for use in products required to be made from Grade A milk for sale in the marketing area, which amount shall not be less than 50 percent of the total amount of milk to be pooled by such plant during the month; and

(2) Keeps such control over the sanitary conditions under which milk received at the plant or shipped to a distributing plant is produced and handled that the milk can meet the Grade A requirements of a source in the marketing area: *Provided*, That Grade A approval of the plant by a health authority having jurisdiction over the distribution of milk in any part of the marketing area shall constitute sufficient evidence that this requirement is being met with regard to qualification as a pool plant; and

(3) Has not been suspended as a pool plant for the month in accordance with provisions set forth in § 1030.13; and

(4) Has not notified the market administrator in writing before the 1st day of March, April, May, or June of his withdrawal from the pool as a pool plant.

(d) Two or more supply plants may be qualified as a system of pool plants if

they are owned or leased and operated by the same handler and the combined receipts and utilizations meet all requirements otherwise necessary for qualification as a pool plant: *Provided*, That the handler makes written request to the market administrator that such plants be qualified on a system basis prior to the 1st day of the month in which system qualification is to be used.

§ 1030.13 Suspension of pool plants.

No pool plant shall be suspended for failure to meet the requirements of § 1030.12(c) except under the following conditions:

(a) A meeting has been held no sooner than 3 days after notice by the market administrator to all handlers operating pool plants designated pursuant to § 1030.12, for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(b) There has been issued by the market administrator following such meeting, and mailed to all handlers operating pool plants as designated in § 1030.12, the market administrator's determination of the desirable utilization of milk received from producers by supply plants designated in § 1030.12 (b) or (c) each month during all or a part of the period set forth in paragraph (a) of this section. Such determination to be known as a "call", shall set forth, by months, the minimum percentage of Grade A milk received from producers to be utilized in products processed and packaged in the marketing area and required to be made from Grade A milk, such determination to be made in the following manner:

(1) The market administrator shall compute his estimate of the total utilization of distributing pool plants in processed and packaged milk products required to be made from Grade A milk, plus an operating margin of 15 percent.

(2) From such estimated gross Grade A requirements of distributing pool plants, inclusive of the 15 percent operating reserve, shall be deducted receipts directly from producers during such month at such distributing plants, and from those supply plants which regularly send their entire supply to such distributing plants during the months of July through November.

(3) The remainder shall be divided by the estimated net available supply (after estimating the amount of milk to be processed and packaged by distributing pool plants in products required to be made from Grade A milk) at supply plants other than those regularly shipping their entire supply as described above, and the result shall be multiplied by 0.75 to determine the appropriate shipping percentage of butterfat and of skim milk solids for each month which shall be issued by the market administrator as a "call" for milk. No "call" for less than 15 percent of either butterfat or skim milk solids shall be announced by the market administrator.

(4) The market administrator's announcement of a "call" shall include the historical data on which his estimates of Grade A milk utilization and the various sources of supply are based, together with appropriate explanatory comments on the computations involved.

(5) At any time during the month when it appears that more milk is being delivered to distributing plants than is needed to fulfill the Grade A requirements of the market the market administrator may reduce the "call" percentage applicable for such month.

§ 1030.14 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a non-pool distributing or supply plant;

(c) Any person who engages in buying milk in bulk, in a brokerage capacity, from a person described in paragraph (a) or (b) of this section; or

(d) Any cooperative association with respect to the producer milk of its members:

(1) Diverted for the account of such association from a pool plant to a non-pool plant; or

(2) Delivered from the farms of its members to the pool plant of another handler, if the cooperative association on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk.

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

(f) A producer-handler.

§ 1030.15 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.

§ 1030.16 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 § 1030.17 from a pool plant to a nonpool plant.

§ 1030.17 Producer milk.

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

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1030.14(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other 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 except that:

(1) In any of the months of August through November, 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; and

(2) In any of the months of December through July, if the quantity of milk of any producer so diverted exceeds the quantity delivered to pool plants during the month, the milk of such producer delivered to both pool plants and to nonpool plants shall be deemed to have been received at the location of the nonpool plant to which the greatest portion of diverted milk is delivered.

§ 1030.18 Other source milk.

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

(a) 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

(b) 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.

§ 1030.19 Butter price.

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

MARKET ADMINISTRATOR

§ 1030.20 Designation.

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

§ 1030.21 Powers.

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

(a) Administer its terms and provisions;

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

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

(d) Recommend amendments to the Secretary.

§ 1030.22 Duties.

The market administrator shall perform all duties necessary to administer

the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds provided by § 1030.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1030.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1030.30 and 1030.31 or payments pursuant to §§ 1030.70, 1030.74, 1030.76, 1030.77, and 1030.78;

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

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

(i) Prepare and disseminate for the benefit of producers, consumers and handlers such statistics and information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I milk price pursuant to § 1030.51(a), and the Class Ia price pursuant to § 1030.51(b) butterfat differential pursuant to § 1030.53(a), all for the current month; and the Class II milk price pursuant to § 1030.51(c) and the Class II butterfat differential pursuant to § 1030.53(b), both for the preceding month; and

(2) The 14th day after the end of each month the uniform price pursuant to § 1030.62 and the butterfat differential pursuant to § 1030.71;

(k) Whenever required for the purpose of allocating receipts from other

order plants pursuant to § 1030.45(a) (9) and the corresponding step of § 1030.45 (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;

(l) 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 § 1030.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which 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

§ 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler except a handler pursuant to § 1030.14 (e) and (f) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

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

(1) Milk received from producers and from handlers pursuant to § 1030.14(d);

(2) Fluid milk products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1030.17; and

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

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

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

§ 1030.31 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 § 1030.14 (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 10th 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.

(d) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th 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 deductions.

§ 1030.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of 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.

§ 1030.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1030.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1030.30 (excluding transfers from a pool plant to another order plant(s) that are offset by receipts from the other order plant(s) pursuant to § 1030.43(e)) shall be classified each month pursuant to the provisions of §§ 1030.41 through 1030.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1030.41 Classes of utilization.

Subject to the conditions of § 1030.43, 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) and (c) (2), (3), and (4) of this section); and

(2) Not accounted for as Class Ia or Class II milk.

(b) *Class Ia milk*. Class Ia milk shall be all skim milk and butterfat disposed of in ice cream, ice cream mix, frozen dessert mix, eggnog, and cottage cheese made from Grade A milk.

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

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or a product classified as provided in paragraph (b) of this section;

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

(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 represented by the nonfat 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;

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

(6) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1030.14(d) or diverted to a nonpool plant pursuant to § 1030.17);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1030.14(d): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from pool plants of other handlers;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler); and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1030.42(b) (2).

§ 1030.42 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 contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1030.41(b) (6); and

(2) Other source milk exclusive of that specified in § 1030.41(b) (6).

§ 1030.43 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: *Provided*, That the skim milk or butterfat as assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1030.45(a) (9) and the corresponding step of § 1030.45(b);

(b) As Class II milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located outside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located inside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification other than Class I in his report submitted pursuant to § 1030.30;

(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:

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

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

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

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified in sequence, first as Class Ia and then as Class II milk; and

(e) As follows, if transferred to another order plant(s) (under the same order) of a handler pursuant to § 1030.14 (e), in excess of receipts from such plant(s) in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

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

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferee and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be

classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified according to use as Class Ia, or as Class II; and

(6) If the form in which any fluid milk product 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 § 1030.41.

§ 1030.44 Computation of skim milk and butterfat in each class.

For each month, each handler shall compute the pounds of skim milk and butterfat in each class in the following manner:

(a) The pounds of butterfat shall be ascertained by multiplying the pounds of milk or milk products disposed of as Class I milk or used to produce a Class Ia or Class II milk product by its average butterfat content.

(b) The pounds of skim milk shall be ascertained by subtracting the pounds of butterfat computed pursuant to paragraph (a) of this section, from the weight of milk or a milk product disposed of as Class I milk or used to produce a Class II milk product: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

(c) A handler may claim, for classification purposes pursuant to §§ 1030.40 through 1030.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 1030.30(a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the

first day of the delivery period during which such change shall become effective.

§ 1030.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.44, each handler for each month shall determine the classification of producer milk as follows:

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

(1) Subtract from the total pounds of skim milk in each class, pro rata to such quantities, the pounds of skim milk in milk received from such handler's own farm production;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1030.41(c) (6);

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products in packaged form from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(e), in excess of similar transfers to such plant(s), as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) In series from Class Ia to Class I milk, the remainder of such receipts;

(4) 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;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(e), in excess of similar transfers to such plant(s), if Class II utilization was requested by both handlers;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of

skim milk subtracted pursuant to subparagraph (2) of this paragraph;

(8) 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 (5) (1) of this paragraph;

(9) 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) (under the same order) of a handler pursuant to § 1030.14(e), in excess in each case of similar transfers to such plant(s) that were not subtracted pursuant to subparagraph (5) (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 § 1030.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) In series beginning with Class Ia, the remaining pounds of such receipts;

(10) Subtract from the remaining pounds of skim milk 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 § 1030.43 (a); and

(11) 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.

MINIMUM PRICES

§ 1030.50 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 butter price times 0.12 and rounded to the nearest cent.

§ 1030.51 Class prices.

Subject to the provisions of § 1030.53 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be an amount arrived at by computing an economic index with the year 1958 as the base period as follows:

(1) Compute a Midwest per capita income index based upon the latest reported quarterly figures released by the U.S. Department of Commerce, as follows:

(i) Divide the current annual rate of per capita personal income for the State

of Missouri by \$2,044 and multiply the result by 20.27.

(ii) Divide the current annual rate of per capita personal income for the State of Illinois by \$2,451 and multiply the result by 47.69.

(iii) Divide the current annual rate of per capita personal income for the State of Wisconsin by \$1,989 and multiply the result by 19.02.

(iv) Divide the current annual rate of per capita personal income for the State of Iowa by \$1,921 and multiply the result by 13.02.

(v) Add together the result of subdivisions (i) through (iv) of this subparagraph.

(vi) Multiply the result arrived at in subdivision (v) of this subparagraph by 0.15.

(2) Compute a consumer food price index by dividing the U.S. consumer food price index as reported by the Bureau of Labor Statistics for the most recent month by 1.019 and multiply the result by 0.15.

(3) Compute an index of farm prices received by dividing the index of prices received by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.50 and multiply the result by 0.20.

(4) Compute an index of farm prices paid by dividing the index of the prices paid by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.93 and multiply the result by 0.20.

(5) Compute an index of Midwest manufacturing milk prices by dividing the Minnesota-Wisconsin price as reported by the U.S. Department of Agriculture for the most recent month by 0.03 and multiply the result by 0.30.

(6) The economic index shall be the sum of subparagraphs (1) through (5) of this paragraph.

(7) Compute an economic index price by multiplying the result of subparagraph (6) of this paragraph by \$0.040366 and round to the nearest full cent: *Provided*, That the resulting price shall not exceed the competitive manufacturing price by more than \$1.50 nor be less than the competitive manufacturing price plus \$1.

(b) *Class Ia price.* The Class Ia price shall be the basic formula price for the preceding month plus 50 cents.

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

§ 1030.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, each class price for the month pursuant to § 1030.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.12.

(b) *Class Ia price.* Multiply the butter price for the preceding month by 0.13.

(c) *Class II price.* Multiply the butter price for the current month by 0.12.

§ 1030.54 Location adjustments to handlers.

(a) The market administrator shall determine the zone location of each plant at which milk is to be priced under this part on the following basis and the zone rates shall be as follows:

(1) Zone 1—adjustment rate—none. Zone 1 shall consist of the territory within the marketing area.

(2) Zone 2—adjustment rate—2 cents per hundredweight of milk. Zone 2 shall consist of the territory outside of the marketing area but not to exceed 70 miles from nearest of the city hall in Chicago, Ill.; the city hall in Gary, Ind.; the St. Joseph County Courthouse in South Bend, Ind.; or the White County Courthouse in Monticello, Ind., which locations shall be known as basing points.

(3) For plants located beyond Zone 2, the adjustment rate shall be 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 70 miles, the territory beyond 70 miles, but not to exceed 85 miles; shall be Zone 3 and each successive 15-mile area shall be an additional zone.

(b) The mileages applicable pursuant to this section and § 1030.72 shall be determined by the market administrator and shall be the shorter of either the rail or highway distance, arrived at as follows:

(1) The rail distance shall be the sum of the following:

(i) The highway distance between the handler's plant or reload point and the railroad loading point;

(ii) The rail distance by the most direct single rail line between the loading point and the rail terminal closest to the nearest basing point; and

(iii) The highway distance between the appropriate rail terminal and the nearest basing point.

(2) Mileage shall be subject to re-determination at all times. In the event a handler requests a re-determination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the re-determination announced by the market administrator.

(c) The market administrator shall notify each handler of the zone determination.

(d) A handler who operates a pool plant shall receive a location adjustment credit computed as follows:

(e) For milk received from producers at a pool supply plant located outside Zone I and which is moved to a pool plant within the marketing area in the form of a fluid milk product or as bulk concentrated skim milk, or otherwise classified as Class I or Class Ia milk, the location adjustment credit to the handler shall be two cents per hundredweight of product moved or otherwise classified as Class I or Class Ia milk for each 15 miles, or fraction thereof over 70 miles that such pool supply plant is located from the nearest basing point. For milk which is moved or classified at a pool

plant located outside the marketing area, the mileage as computed shall be reduced by the nearest highway distance in miles which the receiving plant is located from the closest point in the marketing area.

§ 1030.55 Equivalent prices.

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

§ 1030.56 Skim milk and butterfat prices.

The prices per hundredweight of skim milk and butterfat in each class shall be computed as follows:

(a) *Skim milk price.* Subtract from the applicable class price per hundredweight of milk containing 3.5 percent butterfat the result obtained from multiplying the applicable butterfat differential pursuant to § 1030.53 by 35; and

(b) *Butterfat price.* Add to the applicable class price per hundredweight of milk containing 3.5 percent butterfat the result obtained from multiplying the applicable butterfat differential pursuant to § 1030.53 by 965.

APPLICATION OF PRICES

§ 1030.60 Computation of the net pool obligation (or credit) of each handler.

The net pool obligation (or credit) of each handler, pursuant to § 1030.14 (a) and (d) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of skim milk and butterfat in producer milk in each class as computed pursuant to § 1030.45 by the applicable skim milk and butterfat prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1030.45(a)(11) and the corresponding step of § 1030.45(b) by the applicable skim milk and butterfat prices;

(c) Add the amount obtained from multiplying the difference between the Class II skim milk and butterfat prices for the preceding month and the applicable Class I and Class Ia skim milk and butterfat prices for the current month by the hundredweight of skim milk and butterfat subtracted from Class I or Class Ia pursuant to § 1030.45(a)(6) and the corresponding step of § 1030.45(b);

(d) Add an amount equal to the difference between the applicable Class I, Class Ia, and Class II skim milk and butterfat price values of the pounds of skim milk and butterfat subtracted from Class I and Class Ia pursuant to § 1030.45(a)(4) and the corresponding step of § 1030.45(b);

(e) Add the value at the appropriate Class I or Class Ia skim milk and butterfat prices (after deducting the location adjustment rate for the zone in which the nonpool plant is located from which an equivalent volume was received) of the skim milk and butterfat subtracted

from Class I and Class Ia pursuant to § 1030.45(a)(8) and the corresponding step of § 1030.45(b); and

(f) Subtract an amount equal to the location adjustment credits computed pursuant to § 1030.54.

(g) Add an amount determined by multiplying the total quantity of milk received directly from producers at a pool distributing plant, but not in excess of the total quantity of milk used in Class I and Class Ia by the pool distributing plant, by 20 cents per hundredweight.

§ 1030.61 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall correct for mathematical and obvious errors the reports of handlers submitted pursuant to § 1030.30 and shall compute an aggregate value from which to determine the uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1030.60 for all handlers who reported pursuant to § 1030.30 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 is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.71 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 § 1030.72;

(d) Subtract an amount equal to the total value of the location differential additions to be made pursuant to § 1030.72;

(e) Subtract an amount equal to the total value determined pursuant to § 1030.63; and

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

§ 1030.62 Computation of uniform price.

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

(a) Divide the aggregate value computed pursuant to § 1030.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.60(e); and

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

§ 1030.63 Cooperative service allowance.

By the 25th day of each month the market administrator shall pay to each qualified cooperative an amount equal to 2 cents per hundredweight of all milk marketed from its members to, or diverted from, pool plants during the preceding month, subject to the following conditions by which the market administrator shall determine whether or not

the cooperative is eligible for such cooperative service allowance. To be eligible for payment the cooperative must:

(a) Meet the requirements of § 1030.5;

(b) Submit a written application for such allowance to the market administrator;

(c) Maintain adequate facilities and personnel and perform the following services:

(1) Analyze milk marketing problems and their solutions conducting market research and maintaining current information as to market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;

(2) Determine the need for the formulation of amendments to the order and propose such amendments or request other appropriate action by the Secretary or the market administrator in the light of changing conditions;

(3) Participate in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and participating, by voting or otherwise, in the referendum relative to amendments;

(4) Participate in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; and

(5) Conduct a comprehensive education program among producer—i.e., members and nonmembers of cooperatives—and keep such producers well informed for participation in the activities under the regulatory order, and as a part of such program, issue publications that contain relevant data and information about the order and its operation, and distribute such publications to members, and on the same subscription basis, to nonmembers who request it, and hold meetings at which members and nonmembers may attend.

PAYMENTS

§ 1030.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of the month not less than the uniform price pursuant to § 1030.62 adjusted pursuant to §§ 1030.71, 1030.72, and 1030.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section; and

(b) Each handler shall pay a cooperative association on or before the 15th day after the end of the month an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its member and exercises such authority.

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

- (1) The month and identity of the producer;
- (2) The daily and total pounds and the average butterfat content of producer milk;
- (3) The minimum rate or rates at which payment to the producer is required pursuant to the order;
- (4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;
- (5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler;
- (6) The net amount of payment to such producer or cooperative association; and
- (7) In the case of reports or payments or deductions to a cooperative association, the total receipts of milk by the handler and the pounds of milk utilized in each class pursuant to § 1030.41.

§ 1030.71 Butterfat differential to producers.

The uniform price pursuant to § 1030.62 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 butter price for the month by 0.12.

§ 1030.72 Location differentials to producers and on nonpool milk.

The uniform price pursuant to § 1030.62 shall be adjusted as follows:

- (a) Compute a gross location adjustment value equal to the sum of:
 - (1) The producer milk received at a pool plant outside the marketing area and within 55 miles of the nearest basing point, as described in § 1030.54, multiplied by 2 cents per hundredweight; plus
 - (2) The producer milk received at a plant which is 55 miles or more from the nearest basing point, multiply by 4 cents for the first 70 miles or less, and 2 cents per hundredweight for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the nearest basing point.

(b) Divide the resulting gross location adjustment value into the total location adjustments to handlers as computed pursuant to § 1030.54 and round to the nearest tenth of a cent, which shall be known as the applicable location adjustment rate to producers for the month.

(c) Reduce the uniform price pursuant to § 1030.62 by the following:

- (1) For producer milk received at a plant which is outside the marketing area and within 55 miles of the nearest basing point deduct the applicable location adjustment rate to producers.
- (2) For producer milk received at a plant which is 55 miles or more from the nearest basing point deduct twice the

applicable location adjustment rate to producers for the first 70 miles and one additional applicable location adjustment rate to producers for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the nearest basing point.

§ 1030.73 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 and out of which he shall make all payments from such fund pursuant to §§ 1030.63, 1030.74, 1030.75, and 1030.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1030.74 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1030.60 for 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 from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.60(e).

§ 1030.75 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.74(b) exceeds the amount computed pursuant to § 1030.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1030.76 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1030.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.70 shall deduct 3 cents per

hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies 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 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1030.78 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 18th day after the end of each month 2 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 § 1030.45(a) (4) and (8) and the corresponding steps of § 1030.45 (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.

§ 1030.79 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 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 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

- (1) The amount of the obligation;
- (2) The months during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market admin-

istrator, 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 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 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

§ 1030.80 Effective time.

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

§ 1030.81 Suspension or termination.

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

§ 1030.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be per-

formed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

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

§ 1030.83 Liquidation after suspension or termination.

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

MISCELLANEOUS PROVISIONS

§ 1030.90 Separability of provisions.

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

§ 1030.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by Milwaukee Cooperative Milk Producers, Golden Guernsey Dairy Cooperative, Madison Milk Producers' Association, Midwest Dairymen's Co., Kenosha Milk Producers' Cooperative, Pure Milk Products Cooperative, Racine Milk Producers' Cooperative, La Crosse Milk Producers' Association, and Manitowoc Milk Producers Cooperative:

Proposal No. 10. Consider regulation under an order separate from one regulating the Chicago area for the areas now regulated under the Rock River Valley, Milwaukee, Madison, Michigan Upper Peninsula, and Northeastern Wisconsin orders.

Proposed by Beatrice Foods Company: *Proposal No. 11.* Modify Proposal No. 1 as follows:

A. Section 1030.12(a):

(a) A distributing plant from which: (1) Not less than 30 percent of the total Grade A fluid milk products received during the month is either distributed on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants;

(2) Not less than 10 percent of such receipts during the month is either distributed in the marketing area on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants and distributed in the marketing area on routes from such plants; and

(3) Two or more distributing plants may be considered a unit for the purpose of pool plant qualification if the plants are owned and operated by one handler, and the handler notifies the market administrator in writing that it elects to combine its plants in a unit on the first day of any month, to be effective until cancelled by written notice to said market administrator by the handler at least 30 days prior to the beginning of any month. The notification of such election shall list the plants in the order in which they shall be excluded from the unit if minimum requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements, provided, however, if the handler notifies the market administrator in writing that a plant included in its unit is unable to meet the minimum requirements because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of work stoppage in determining the minimum requirements for pooling.

B. Section 1030.7:

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

C. Section 1030.51(a):

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus \$0.76.

D. In § 1030.53 provide that prices at pool plants located within the Rock River Valley marketing area be \$0.04 less than Chicago; plants located in the Milwaukee and Madison marketing areas be \$0.12 less than Chicago. The same adjustments to be made in the price paid

producers shipping to plants located in these zones.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 12. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendment or amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, Room 814, 72 West Adams Street, Chicago, Ill. 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected. Copies of the respective orders may be procured from: Order No. 38—Room 814, 72 West Adams Street, Chicago, Ill. 60603; Order No. 39—4920 West Burleigh Street, Milwaukee, Wis. 53210; Order No. 45—3034 West Wisconsin Avenue, Post Office Box 1063, Appleton, Wis. 54910; Order No. 51—1821 South Park Street, Post Office Box 3219, Madison, Wis. 53704; Order No. 31—220 South Williams Street, Post Office Box 216, South Bend, Ind. 46624; and Order No. 44—508 Providence Building, Duluth, Minn. 55802.

Signed at Washington, D.C., on April 12, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 67-4166; Filed, Apr. 14, 1967;
8:48 a.m.]

[7 CFR Part 1096]

[Docket No. AO-257-A13]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Shreveport, La., on December 6, 1966, pursuant to notice thereof issued on August 23, 1966 (31 F.R. 11318), and a rescheduled notice of hearing which was issued September 8, 1966 (31 F.R. 12023).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 13, 1967 (32 F.R. 574; P.R. Doc. 67-589) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 574; P.R. Doc. 67-589) are hereby approved and adopted and are set forth in full herein:

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

1. Classification of ending inventory;
2. Classification of transfers of fluid milk products to a nonpool plant;
3. Level of Class II price;
4. Exemption of milk plants operated by governmental agencies; and
5. Deletion of base and excess plan.

This decision deals with all of the above issues except No. 5. A decision on issue No. 5, deletion of the base and excess plan, was issued January 25, 1967 (32 F.R. 1053), and the amended order was issued January 27, 1967 (32 F.R. 1125), with an effective date of February 1, 1967.

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. Classification of ending inventory. Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should continue to be classified as Class II.

The order presently classifies all ending inventory of fluid milk products as Class II milk. This includes both bulk and packaged products on hand in the plant at the end of the month. The Class II classification of these quantities is subject to adjustment in the next month depending on the handler's entire utilization.

Modification of this procedure by classifying ending inventory of packaged fluid milk products as Class I will reduce the amount of declassification in the subsequent month and permit a closer relationship between handlers' internal accounting methods and required order accounting.

Handlers, for their own accounting purposes, may use the term inventory to include packaged products which have left the plant and are in transit or at distribution points. However, current order provisions which classify inventory as Class II would not comport with inclusion of packaged items which have left the handler's plant. Accordingly, handlers have been paying the Class I milk price of 1 month for products held in their distribution systems outside the plant, and the Class I price of the following month for ending inventories of packaged milk held in their processing plants. The proposed modification would remove this difference in pricing.

The adoption of the plan of classifying all packaged fluid milk products on hand at the end of the month as Class I milk will, in the long run, neither affect handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs by the difference between the Class I and Class II prices on the volume of packaged milk previously classified as Class II inventory. This amounts to establishing a Class I value at an earlier date for products which would be entirely or very substantially valued at the Class I price in the succeeding month under the present order provisions.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of beginning inventory of packaged products assigned to Class I milk in the current month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

To accommodate this change in the classification of fluid milk products in packaged form in inventory, the allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided. Inventory of fluid milk products in bulk form would continue to be handled as under the present provisions of the order.

Inventories of packaged fluid milk products and Class II products on hand at the beginning of the first month in which the amendment of the order becomes effective should be allocated to any available Class II utilization of the plant during the month. This is in recognition of the classification of such items in Class II in the month just prior to amendment. This procedure will preserve the priority of assignment to current receipts of producer milk and to current Class I utilization of the plant.

2. Classification of transfers of fluid milk products to a nonpool plant. The classification of fluid milk products transferred to a nonpool plant should be modified in the case where the nonpool plant in turn transfers fluid milk products to pool plants.

A handler proposed that the quantity of skim milk and butterfat involved in the double transfer (from a pool plant to a nonpool plant and thence to a pool plant) be treated as a direct transfer between pool plants.

Proponent transfers bulk fluid milk from his pool plant to a nonpool plant for use in the production of sour cream. Milk so used is Class I. The nonpool plant disposes of the packaged sour cream to the pool plant of proponent handler or other pool plants. The packaged sour cream thus becomes a receipt at such pool plants of a fluid milk product from an unregulated supply plant. If any of the packaged sour cream is allocated to Class I in the pool plant, it is subject to a charge at the difference between the Class I price and weighted average price.

In the absence of an administrative determination to the contrary, the proponent handler would be paying both the Class I price on the milk as transferred to the nonpool plant for manufacture of sour cream, and also the charge on receipts from an unregulated source to the extent the sour cream is returned to his plant and allocated to Class I. A similar

combination of charges in excess of the Class I price would apply if the sour cream were disposed of to another pool plant. The proposal made by the handler would eliminate the duplication of charges. His proposal was limited to apply only to sour cream.

As adopted herein, the modification would apply in the case of any fluid milk product received from a nonpool plant that receives equivalent quantities of skim milk and butterfat from pool plants in the form of fluid milk products. Products other than sour cream may from time to time be handled in a similar manner which, without this modification, would result in a duplication of charges.

The provision, as adopted, would provide that the transfer between two pool plants (via the nonpool plant) would be Class II unless the total allocation of milk in the transferee plant required a different classification. It further provides that if this classification procedure results in milk from two or more handlers being classified as Class I, such classification shall be shared pro rata between such handlers in ratio to the quantity the handlers transferred to the nonpool plant.

Since the quantities of skim milk and butterfat involved would be treated as direct transfers between pool plants, these items would not be included in the allocation procedure for receipts from nonpool plants.

3. Level of Class II price. The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test, but not to exceed a revised butter-powder formula described herein.

At the present time, the Class II price is based on a butter-powder formula with a deduction of 5 cents for the months of March through June.

The cooperative association proposed that the Class II price be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the months of August through February, and 10 cents less in the months of March through July. Proponents also requested that the price not exceed the present butter-powder formula price plus 10 cents.

The proponent cooperative association assumes the major responsibility for handling any reserve milk not accepted at pool plants. In 1964 and 1965, milk of the cooperative's members disposed of to nonpool plants amounted to 18.9 and 25.4 million pounds or 53 and 62 percent, respectively, of the Class II milk of the market. Most of the other Class II milk in the market was utilized at pool plants. Milk moved off the market by the association was delivered primarily to a manufacturing plant at Sulphur Springs, Tex.

The association stated that the Minnesota-Wisconsin manufacturing milk price, with proposed modifications, would better represent the value of Class II milk in this market than the present price formula. Prices paid at nonpool

plants for milk delivered by the association have exceeded the order Class II prices. Average prices received at the Sulphur Springs plant exceeded the order Class II prices in 1964, 1965 and the first 10 months of 1966, by 24 cents, 34 cents, and 44 cents, respectively.

The formula proposed by the association would have produced prices in 1964, 1965 and the first 10 months of 1966 which would have exceeded the present Class II prices by 6.1 cents, 9.2 cents and 10.6 cents, respectively. The association did not support a Class II formula as high as the prices received at nonpool outlets because of handling charges incurred.

The price level now paid by regulated plants for Class II milk does not reflect the full value of such milk as delivered to plants. The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market while at the same time encouraging the orderly marketing of reserve milk. A price formula using the Minnesota-Wisconsin price but not to exceed a representative butter-powder value would provide a price more closely representing the value of the milk than the existing formula, and would allow for orderly disposition of reserve milk.

The particular butter-powder formula here adopted would be the Chicago butter price multiplied by 4.2, plus the spray process nonfat dry milk price per pound multiplied by 8.2, less 48 cents. The Minnesota-Wisconsin series, limited by this butter-powder ceiling would have produced prices of \$3.16, \$3.22 and \$3.72 in 1964, 1965 and the first 10 months of 1966, respectively. These prices would have been higher than the present Class II formula by 9.7 cents, 10.6 cents and 11 cents, respectively.

The use of the Minnesota-Wisconsin manufacturing milk price as a major component of the price formula is founded on the premise that in the highly competitive dairy industry average prices which are paid in areas where there is substantial competition for manufacturing milk provides as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin, about 58 percent.¹ There are many plants in these States which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale. Milk products which are manufactured by handlers in the Northern Louisiana market compete within this system.

¹ Official notice is taken of the "Supplement for 1963-64 to Dairy Statistics through 1960," Statistical Bulletin No. 303, Economic Research Service, USDA, June 1965.

The use of a butter-powder price as a ceiling on the Class II price would insure that the Class II price will continue to reflect the product values of butter and powder in the event of an undue divergence in the relationship between such values and the Minnesota-Wisconsin prices. Recognition should be given to the possibility that a particular segment of the manufactured milk industry may be influenced occasionally by certain supply-demand conditions not affecting the remainder of the industry. Such conditions may not always be reflected sufficiently in the Minnesota-Wisconsin price series. A comparable price ceiling is used in a number of Federal order markets in connection with the use of the Minnesota-Wisconsin price for pricing milk in manufacturing uses similar to Class II uses in the Northern Louisiana market.²

The cooperative association's request that 10 cents be deducted from the basic formula during the months of March through July in determining the Class II price is denied. Proponents were concerned that the milk supplies available during the months of flush production might be great enough to depress the manufacturing milk prices paid by nonpool plants below the butter-powder formula.

A need for a 10-cent deduction in March through July was not established. During March through July 1964 the price received at the nonpool plant exceeded by 10 cents the formula herein adopted, by 19 cents in 1965, and by 31 cents in 1966. The improvement of prices obtainable at nonpool outlets relative to the adopted formula suggests that normally the milk could be disposed of without loss.

4. Exemption of milk plants operated by governmental agencies. A milk plant operated by a governmental agency should be exempt from all provisions of this order.

The proponent cooperative association requested that the dairy plant operation of Louisiana Technical College be exempt from the provisions of the Northern Louisiana Federal milk order.

The College maintains a dairy herd and a processing plant in connection with the research and educational functions. Milk that is not needed for research projects is disposed of in fluid form through campus cafeterias or manufactured into ice cream, cottage cheese or other dairy products. During those periods when students are on vacation, the unneeded production is sold to the cooperative association. During the school year relatively small quantities of supplemental milk are needed and are obtained from the cooperative association.

The Technical College is an example of a governmental institution which, inso-

² Official notice is taken of Federal Orders No. 131, 9, 35, 47, 49, 36, 41, 40, 43, 134, 8, and 48 for the Central Arizona, Clarkburg, Columbus, Port Wayne, Indianapolis, Northwestern Ohio, Northwestern Ohio, Southern Michigan, Upstate Michigan, Western Colorado, Wheeling, and Youngstown-Warren markets.

far as its milk production, processing and disposition are concerned, represents a relatively self-contained operation with only small quantities of milk interchanged with the other parties in the market. Thus, its milk production does not represent a supply for the rest of the market, nor does its milk uses represent anything but minor use of market milk supplies. In these circumstances, there is not substantial basis for including the establishment under full regulation.

In most months the College has been exempt from full regulation by virtue of qualifying as a producer-handler. In some months, however, it became fully regulated because of receiving milk from dairy farmers. To maintain status as a producer-handler the College would need to limit its source of supply for Class I milk to its own farm production and transfers from pool plants.

The order should be amended in a manner to exempt the milk handling operation of the Technical College from all regulation. At the same time, it should be provided that the College may dispose of its excess milk to handlers in the market or receive supplemental supplies from pool plants, but in a manner which does not interfere with the operation of the order. The order should provide that milk received at a pool plant from such an institution be assigned first to Class II in the pool plant. This is proper, since it clearly represents surplus to the institution's production, processing, and consumption operations and does not represent a reliable supply for the market.

Further, the Louisiana Technical College (and similar institutions) may at times need to purchase supplemental supplies from handlers who would be regulated by the order. It may reasonably be expected that purchases in the form of fluid milk products would be needed and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to an exempt plant operated by a governmental agency be classified as Class I.

An exempt plant operated by a governmental agency could receive supplemental milk from regulated handlers either by shipments from pool plants or by a diversion of a producer's milk from the farm. A dairy farmer delivering his milk to an exempt governmental plant would not qualify as a producer, however, unless such delivery was accounted for by a regulated handler as diverted milk.

In addition to the Louisiana Technical College, there are other State agencies which operate milk plants. The record is not clear with respect to their identity or to the operation of these milk plants. Further, governmental agencies at other than the State level may undertake to operate plants that utilize their own herd production and receipts from other sources. Ordinarily milk produced and sold by a governmental agency would be largely for purposes within the agency. Regulation of such an operation could be disruptive to the purposes

of such agencies dairy operations and would not serve any useful purpose in effective order regulation for the market. It is concluded, therefore, that the exemption should extend to all dairy plants operated by governmental agencies.

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

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

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

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

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

Rulings on exceptions. No exceptions to the recommended decision were filed.

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

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL

REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northern Louisiana marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 12, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area

§ 1096.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana 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

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

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.

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

1. Section 1096.30(a) (1) (iv) is revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

- (a) * * *
- (1) * * *
- (iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form.

2. In § 1096.41, paragraphs (a) and (b) (3) are revised to read as follows:

§ 1096.41 Classes of utilization.

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

- (1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section;
- (2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and
- (3) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* * * *
 (3) In inventories of fluid milk products in bulk form on hand at the end of the month;

3. Section 1096.44(b) is revised.

4. Section 1096.44(d) (3) is revised by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and adding a new subdivision (iii) immediately after subdivision (ii).

5. The introductory text of § 1096.44 (e) is revised.

Paragraphs (b) and (d) (3) (iii), (iv), and (v) and the introductory text of paragraph (e) of § 1096.44 read as follows:

§ 1096.44 Transfers.

(b) As Class I milk if transferred from a pool plant to a producer-handler or transferred or diverted to a plant exempt pursuant to § 1096.60(b);

- (d) * * *
- (3) * * *

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of fluid milk products from the nonpool plant to a pool plant(s), classified as if

it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat covered by this subdivision being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers according to the respective quantities of fluid milk products each handler transferred to the nonpool plant unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

(iv) Class I utilization in excess of that assigned pursuant to subdivisions (1), (ii), and (iii) 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

(v) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat to transferred shall be classified as Class II milk; and

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

6. In § 1096.46(a), a new subparagraph (2-a) is added immediately following subparagraph (2) and subparagraphs (3) (iii) and (5) are revised, all of which to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

(a) * * *
 (2-a) Except for the first month this provision is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) * * *
 (iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1096.60(b).

(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 bulk fluid milk products (and, for the first month subparagraph (2-a) of this paragraph is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

7. Section 1096.51(b) is revised to read as follows:

§ 1096.51 Class prices.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1096.50, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

8. Section 1096.60 is revised to read as follows:

§ 1096.60 Exemptions.

(a) Producer handler: Sections 1096.-40 to 1096.46, 1096.50 to 1096.54, 1096.65 to 1096.67, 1096.70 to 1096.75, 1096.80 to 1096.86, inclusive, shall not apply to a producer handler; and

(b) None of the provisions of this part except § 1096.21 shall apply to a plant operated by a governmental agency.

9. Section 1096.70(c) is revised to read as follows:

§ 1096.70 Computation of the net pool obligation of each pool handler.

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1096.46(a) (5) and the corresponding step of § 1096.46(b); and

(2) Multiply the difference between the appropriate Class I milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1096.46(a) (2-a) and the corresponding step of § 1096.46(b). If the Class I milk price for the current month is less than the Class I milk price for the preceding month, the result shall be a minus amount;

[F.R. Doc. 67-4157; Filed, Apr. 14, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

[Hazardous-Occupations Order No. 2]

SCHOOL BUS DRIVERS

Extension of Time To Comment

On January 26, 1967, proceedings were commenced by a proposal published in the FEDERAL REGISTER (32 F.R. 931)

inviting public comment on the question of whether Hazardous Occupations Order No. 2 (29 CFR 1500.43) should be revoked or modified insofar as it applies to school bus drivers. The final date for such comment set at April 1, 1967, in that proposal is hereby extended to May 1, 1967.

Signed at Washington, D.C., this 11th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[P.R. Doc. 67-4141; Filed, Apr. 14, 1967;
8:46 a.m.]

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Certification of Shore Based Material Handling Devices

Reexamination of the safety and health regulations for longshoring established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941, 29 CFR Part 1504) and experience in their administration and enforcement have indicated a need for certain revisions. Accordingly, notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that I propose to amend these regulations as hereinafter set forth.

In order that interested persons may have opportunity to participate in the rule-making process, notice is also given that oral data, views, and argument of interested persons will be received by a duly assigned Hearing Examiner on June 28, 1967, beginning at 10 a.m. in Room 404, Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally may file a notice of intention with the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than 10 days before the schedule date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any.

Interested persons may also submit written data, views, and argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than 5 days before the above specified date.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional

data, views, and argument from persons who have participated.

Upon completion of the oral proceedings, the transcript thereof, together with the exhibits, written submissions, and all posthearing proposals and supporting reasons shall be certified to the Secretary of Labor.

After careful consideration is given to all relevant matter presented in these proceedings, and to such other information as may be available, the Secretary will issue such regulations as he deems appropriate and publish them in the FEDERAL REGISTER.

The proposals are set forth below.

1. In order to define the extent of the applicability of new regulations proposed to be established by this document (i.e. § 1504.13), § 1504.3 would be amended by adding paragraph (r) to read as follows:

§ 1504.3 Definitions.

(r) For the specific purpose of § 1504.13 of this Part, equipment covered therein is defined as follows:

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it radially in a horizontal plane, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device for lifting, including a boom which is supported at its head by a topping lift from a mast, "A" frame, or similar structure, and may or may not be controlled in the horizontal plane by vangs (guys). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescoping and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a "thrower" or "trimming machine." A grain loading spout is an example of those covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the "grain sucker," used to discharge grain from barges.

2. The requirements of the existing § 1504.12 provide protection, by means of certification, for employees aboard vessels who work with and under the vessels' own cargo handling gear. In order to provide equivalent protection to employees aboard vessels in cases where certain shore-based cargo handling equipment is used for the same purpose, a new § 1504.13 would be established. In the implementation of this provision, the assistance of the Bureau of Labor Standards would be available upon the request of any State or subordinate political subdivision affected. Amendments would

also be made to Part 1505 of this chapter in order to adjust for technical differences in equipment covered. Pending such amendment to Part 1505 of this chapter, the existing provisions would be used with interim advice to surveyors when necessary.

The new § 1504.13 would read as follows:

§ 1504.13 Certification of shore based material handling devices.

(a) Cranes, derricks, and bulk-cargo loading or discharging spouts or suckers, as defined in § 1504.3(r), which meet the criteria specified in this paragraph, shall not be used in vessel-to-shore, shore-to-vessel, or vessel-to-vessel cargo handling until the employer has ascertained that such devices have been certificated as evidenced by a current and valid cargo gear register and/or certificates meeting the requirements specified in paragraph (b) of this section.

(1) The device is not part of a vessel's permanent equipment and is located ashore or placed aboard a vessel only temporarily.

(2) The device is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels.

(3) The device is so located that its failure could cause injury to an employee as defined in § 1504.3(d).

(b) Certification required by this section shall meet:

(1) The standards of Part 1505 of this chapter, carried out by persons currently accredited by the Bureau of Labor Standards as set forth therein; or

(2) Currently effective standards established and enforced by the State wherein the device is located, or by a subordinate political subdivision delegated this responsibility by the State, provided such standards have been filed with the Director of the Bureau of Labor Standards, U.S. Department of Labor, have been found by him to be compatible with the standards of Part 1505 of this chapter, and persons performing certification functions to such standards have been designated as competent for the purpose by the cognizant authority, and accepted as such by the Director of the Bureau of Labor Standards, U.S. Department of Labor.

(c) Cranes and derricks shall be tested as a unit, inspected and/or examined, at the intervals required by and in accordance with applicable requirements as set forth in paragraph (b) of this section. Appropriate cargo gear registers and applicable certificates shall be available for inspection.

(d) Bulk cargo loading or discharging spouts or suckers, together with any rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual thorough examination in accordance with applicable requirements as set forth in paragraph (b) of this section. Certificates attesting to the required examinations and acceptable for the purpose shall be available for inspection.

(e) New or replacement loose gear components of devices covered herein,

comprising wire or other rope, shackles, swivels, hooks, chains, blocks, etc., shall meet the requirements of paragraph (b) of this section. Appropriate certificates attesting to this fact shall be available for inspection.

(f) Disassembly and reassembly of equipment, which is necessary to move from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification or require additional certification functions to be carried out.

(g) Where equipment which is certificated to the standards of, and by persons designated by, any State whose procedures have been found compatible with Part 1505 of this chapter, is transferred for use in another State, the then current and valid certification shall remain valid until the next survey becomes due.

Signed at Washington, D.C., this 10th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[P.R. Doc. 67-4142; Filed, Apr. 14, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Food and Drug Administration
[21 CFR Part 120]**

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

Negligible Residues on Commodity-Group Basis

The National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005, has requested that the statement of implementation of the National Academy of Sciences—National Research Council Pesticide Residues Committee's "Report on 'No Residue' and 'Zero Tolerance'" published in the FEDERAL REGISTER of April 13, 1966 (31 F.R. 5723), be supplemented by providing for the establishment of tolerances for negligible residues on a group basis rather than on a crop by crop basis. The suggested grouping of raw agricultural commodities has been reviewed by scientists in the U.S. Department of Agriculture and the Food and Drug Administration. The U.S. Department of Agriculture has concluded that certifications of usefulness for proposed use of pesticide chemicals may ordinarily be issued for groupings designated in this notice.

The aforesaid Committee suggested publication of analytical methods for determining whether or not foods contain residues in excess of tolerances. Such methods will be made available to the interested persons by publication or reference in the Food and Drug Administration's Pesticide Analytical Manual.

The Commissioner of Food and Drugs has concluded that the hereinafter designated groupings may be used for establishing tolerances for negligible residues. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701(a), 68 Stat. 511, as amended, 52 Stat. 1055; 21 U.S.C. 346a, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 120 be amended:

1. By revising paragraph (g) of § 120.1 and by adding a new paragraph to that section, as follows:

§ 120.1 Definitions and interpretations.

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34(e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34(c)) crops shall not be grouped; however, when computing fees in connection with establishing tolerances for negligible residues, each group listed in § 120.34(f) is counted as a single commodity without regard as to whether or not the pesticide is systemic.

(1) The term "negligible residue" means any amount of a pesticide chemical remaining in or on a raw agricultural commodity or group of raw agricultural commodities that would result

in a daily intake regarded as toxicologically insignificant on the basis of scientific judgment of adequate safety data. Ordinarily this will add to the diet an amount which will be less than 1/2,000th of the amount that has been demonstrated to have no effect from feeding studies on the most sensitive animal species tested. Such toxicity studies shall include at least 90-day feeding studies in two species of mammals.

2. By adding to § 120.34 a new paragraph, as follows:

§ 120.34 Tests on the amount of residue remaining.

(f) It may be possible to make a reliable estimate of negligible residues of pesticide chemicals to be expected on each commodity in a designated grouping on the basis of data on a representative number of commodities listed in the following designated groups. Tolerances for negligible residues will be established on the group as a whole following the certification of usefulness by the Secretary of Agriculture (pursuant to section 408(1) of the act) on the group as a whole. This does not affect U.S. Department of Agriculture requirements for data for registration of labels for each commodity or the requirement for Food and Drug Administration review of these labels and the supporting data for the proposed registration, in accordance with the Interdepartmental Agreement. Commodities not listed are not considered as included in the groupings for the purpose of this paragraph.

Group	Commodities therein
Citrus fruits.....	Citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, tangerines, and hybrids of these.
Cucurbits.....	Cantaloups, casabas, crenshaws, cucumbers, honey balls, honeydew melons, melons, melon hybrids, muskmelons, Persian melons, pumpkins, summer squash, watermelons and their hybrids, winter squash.
Forage grasses.....	Any grasses (either green or cured) that will be fed to or grazed by livestock, all pasture and range grasses, all grasses grown for hay or silage, corn grown for fodder or silage, sorghum grown for hay or silage, small grains grown for hay, grazing, or silage.
Forage legumes.....	Any crop belonging to the family Leguminosae that is grown for forage (hay, grazing, silage, etc.), alfalfa, beans (for forage), clovers, cowpeas (for forage), cowpea hay, lespedezas, peanuts (for forage), peanut hay, peas (for forage), pea vine hay, trefoll, velvet beans (for forage), vetch, soybeans (for forage), soybean hay.
Fruiting vegetables.....	Egg plants, peppers, pimentos, tomatoes.
Grain crops.....	Barley, buckwheat, corn (field corn, sweet corn, and popcorn), milo, oats, rice, rye, sorghums (grain), wheat.
Leafy vegetables.....	Anise (fresh leaf and stock only), beet greens (tops), broccoli, broccoli raab, brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, dandelion, endive, escarole, fennel, kale, kohlrabi, lettuce, mustard greens, parsley, rhubarb, salsify tops, spinach, sugar beet tops, Swiss chard, turnip greens (tops), watercress.
Nuts.....	Almonds, Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, walnuts.
Pome fruits.....	Apples, crabapples, pears, quinces.
Poultry.....	Chickens, ducks, geese, guinea, pheasant, pigeons, quail, turkeys.
Root crop vegetables.....	Beets, carrots, chicory, garlic, green onions, horseradish, Jerusalem artichokes, leeks, onions, parsnips, potatoes, radishes, rutabagas, salsify, shallots, spring onions, sugar beets, sweetpotatoes, turnips, yams.

Group	Commodities therein
Seed and pod vegetables.....	Black-eyed peas, cowpeas, dill, edible soybeans, field beans, field peas, garden peas, green beans, kidney beans, lima beans, navy beans, okra, peas, pole beans, snap beans, string beans, wax beans, other beans and peas (except dried beans and peas).
Small fruits.....	Blackberries, blue berries, boysenberries, cranberries, currants, dewberries, elderberries, gooseberries, grapes, huckleberries, loganberries, raspberries.
Stone fruits.....	Apricots, cherries (sour and sweet), damsons, nectarines, pawpaws, peaches, plums, prunes.
Stored commodities other than fruits, grain, and vegetables.	Cottonseed, dried beans (all), dried peas (all), hay, peanuts.
Stored fruits and vegetables.....	Same crops as specified in this list for cucurbits, fruits, nuts, and vegetables.
Stored grain.....	Same crops as specified in this list for grain crops.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 6, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-4163; Filed, Apr. 14, 1967;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
[14 CFR Part 71]

[Airspace Docket No. 66-WE-76]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of North Bend, Oreg., as follows:

1. The North Bend control zone would be redescribed as that airspace within a 5-mile radius of North Bend Municipal Airport (latitude 43° 25' 00" N., longitude 124° 14' 45" W.); within 2 miles each side of the North Bend VORTAC 044° True radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° True radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 2 miles each side of a 330° True bearing from the North Bend RBN (latitude 43° 25' 02" N., longitude 124° 14' 50" W.), extending from the 5-mile radius zone to 8 miles northwest of the airport.

2. The North Bend transition area would be redescribed as that airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° True radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC

023° True radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° True radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 090° True radial, extending from the VORTAC to 8 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° True radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° True radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° True radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27 south of the VORTAC to the east edge of V-287 north of the VORTAC, within 5 miles north and 8 miles south of the North Bend VORTAC 090° True radial, extending from the VORTAC to 12 miles east of the VORTAC.

The amended control zone and transition area would provide controlled airspace for aircraft executing the revised prescribed instrument approach and departure procedures for the North Bend Airport.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsi-

bility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 11, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-4148; Filed, Apr. 14, 1967;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-87]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Crescent City, Calif., control zone and transition area as follows:

1. The Crescent City control zone would be redescribed as that airspace within a 5-mile radius of Jack McNamara Field Crescent City (latitude 41°46'50" N., longitude 124°14'00" W.), within 2 miles each side of the Crescent City VORTAC 325° True radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Crescent City VORTAC 180° True radial extending from the 5-mile radius zone to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. The Crescent City transition area would be redescribed as that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° True and 360° True radials, extending from 8 miles north to 20 miles south of the VORTAC; within 5 miles each side of the Crescent City VORTAC 234° True radial, extending from the VORTAC to 12 miles southwest of the VORTAC; that airspace north of Crescent City bounded on the east by the east edge of V-27; on the north and northwest by the arc of 16.5-mile radius of Crescent City VORTAC, bounded on the southwest by a line 8 miles southwest of and parallel to the Crescent City VORTAC 325° True radial and bounded on the south by latitude 41°46'00" N.

The control zone and transition area, altered as proposed, would provide the necessary controlled airspace for aircraft executing prescribed instrument approach, missed approach, and departure procedures for the Jack McNamara Airport. Additionally, the transition area would provide the necessary controlled airspace to encompass the holding patterns at the Crescent City VORTAC.

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the

International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 11, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-4149; Filed, Apr. 14, 1967;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-20]

TRANSITION AREA Proposed Alteration

NOTICE OF PROPOSED RULE MAKING

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the 700-foot portion of the Pasco, Wash., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications

should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Airspace action has been initiated as a result of the relocation of The Dalles VORTAC to realign V-520 direct between The Dalles, Oreg., and Pasco, Wash. (ASD 66-WE-70). On-course climb will be authorized for departing aircraft from Tri-Cities Airport, Pasco, Wash., via the realigned airway 250° T (229° M) radial, in addition to climb via the 276° T (255° M) radial of the Pasco VOR. A small amount of additional 700-foot transition area will be required to protect aircraft executing these departure procedures during climb from 700 to 1,200 feet above the surface.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2234) the Pasco, Wash., transition area is amended as follows:

PASCO, WASH.

That airspace extending upward from 700 feet above the surface, within 5 miles southwest and 8 miles northeast of the Pasco VOR 132° radial, extending from the VOR to 12 miles southeast of the VOR, within 5 miles southeast and 8 miles northwest of the Pasco 036° and 316° radials, extending from 12 miles northeast to 3 miles southwest of the VOR, within 2 miles each side of the Pasco 250° radial, extending from the VOR to 12 miles west of the VOR, and within 2 miles each side of the Pasco 276° radial, extending from the VOR to 9 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 8 miles northeast of the Pasco 132° and 312° radials, extending from 8 miles northwest to 18 miles southeast of the VOR, excluding the portion within Restricted Area R-6715.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on April 7, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 67-4150; Filed, Apr. 14, 1967;
8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[191.8]

REGIONAL COMMISSIONERS OF CUSTOMS AND DISTRICT DIRECTORS OF CUSTOMS

Notice of Distribution of Functions

Bureau of Customs Circular (MAN-9-CC) published in the FEDERAL REGISTER on October 29, 1965 (30 F.R. 13790), and revised by notice (MAN-9-CC) published in the FEDERAL REGISTER on January 25, 1966 (31 F.R. 981), related to the distribution of functions delegated to regional commissioners of customs and district directors of customs. A further revision of this circular was made by a Bureau of Customs Circular of March 3, 1967, which is set forth below.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON

Circular: MAN-9-CC
Date: March 3, 1967.

Subject: MANAGEMENT; Functions of region and district in the processing and review of protests filed under section 514 and applications filed under section 520(c) (1) of the Tariff Act of 1930, as amended.

Reference: CIRCULAR: MAN-9-CC dated October 26, 1965.

1. *Purpose.* To modify the required scope of region activity in the review and processing of protests filed under section 514, Tariff Act of 1930, as amended; to establish general guidelines for region activity in this area; and to require region review in granting applications filed under section 520(c) (1), Tariff Act of 1930, as amended.

2. *Background.* It was stated in Circular: MAN-9-CC, October 26, 1965, that the review of protests is to be performed at the regional level.

Recent studies show that the delegation of responsibility for review of protests to the region requires substantial additional processing of a large volume of documents without any substantial benefit. Thus the protest review function can be best performed initially on a district basis by the commodity teams and review on a regional level should be confined to limited areas.

In addition, the absence of clear guidelines fixing responsibility for the processing of applications filed under section 520(c) (1) of the Tariff Act of 1930, as amended, has led to an absence of uniformity.

3. Action.

A. Protests filed under section 514 of the Tariff Act of 1930, as amended, shall be initially processed on the district level and reviewed by the appropriate commodity teams.

B. After review in accordance with the preceding paragraph, protests shall be forwarded by the district directly to the Customs Court except in the following instances where they

are, in the absence of contrary instructions from the region, referred to the region for further action:

(1) Validation of the protest is recommended by the district.

(2) Proposed action on the protest raises a question of uniformity on a regional or national basis.

(3) Proposed action on the protest requires interpretation of a specific court decision relied on by the protestant.

(4) Proposed action on the protest requires interpretation of a specific Bureau ruling relied on by the protestant.

(5) The protest raises questions involving administrative procedures and/or practices.

(6) The protestant specifically requests review at a regional level.

(7) Any other case which is determined by the district or region to require coordination or review at the region.

Protests denied at the regional level following review in accordance with this paragraph shall be returned to the district for transmittal to the Customs Court.

C. The appropriate district and regional customs officers shall take steps to assure that the reporting provisions of section 17.3 of the Customs Manual, relating to the referral of information to the Assistant to the Chief Counsel (New York), are observed.

D. All applications under section 520(c) (1) of the Tariff Act of 1930, as amended, shall be filed with and initially processed at the district level and, except for those involving mathematical and/or typographical errors only, shall be reviewed at the region before action in favor of the applicant is taken thereon. The region may also review any actions denying an application filed under section 520(c) (1).

E. Instructions from the region implementing this circular including any provisions considered by the region to be desirable because of local conditions should be coordinated with the Regional Counsel and copies of any such instructions should be furnished to the Assistant to the Chief Counsel.

F. Paragraph A(3) of Circular MAN-9-CC dated October 26, 1965, is hereby superseded to the extent inconsistent herewith.

4. *Effective date.* This circular shall be effective April 3, 1967.

EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67-4171; Filed, Apr. 14, 1967;
8:49 a.m.]

Internal Revenue Service

[Order No. 23 (Rev. 5)]

ASSISTANT COMMISSIONER (ADMINISTRATION) ET AL.

Delegation of Authority

Settlement of tort claims and claims made by an employee of the Internal Revenue Service for damage to or loss of personal property incident to his service.

1. Pursuant to Treasury Department Order No. 145 (rev. 3), dated February 13, 1967, and Treasury Department Order No. 177-22 (rev. 1), dated October 18, 1965, there is hereby delegated to the Assistant Commissioner (Administration), the Director, Facilities Manage-

ment Division, the Chief, Protective Programs Branch, and the Safety Management Officer in the Protective Programs Branch:

(a) The authority, under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, compromise, settle, and pay or transmit for payment claims for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Internal Revenue Service;

(b) The authority to consider, ascertain, adjust and determine claims under the Act of December 28, 1922, 42 Stat 1066;

(c) The authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee of the Internal Revenue Service, for damage to or loss of personal property incident to his service.

2. This authority may not be re-delegated.

3. This order supersedes Delegation Order No. 23 (rev. 4) issued February 11, 1966.

Issued: April 11, 1967.

Effective date: April 11, 1967.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 67-4172; Filed, Apr. 14, 1967;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE ET AL.

Notice of Applications For Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 30 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue

of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00018-01-11000. Applicant: U.S. Department of Agriculture, Agricultural Research Services, Eastern Utilization Research and Development Division, South Agriculture Building, Washington, D.C. 20250. Article: Combined Gas Chromatograph-Mass Spectrometer comprising: Analyzer unit model LKB 9001, Control unit model LKB 9002, Transformer model LKB 9065 with both foreign and domestically manufactured parts and accessories. Manufacturer: LKB Produkter AB, Sweden as the major manufacturer and domestic manufacturers Varian Associates Inc., and Consolidated Electrodynamics Corp. as suppliers for some parts. Intended use of article: Separation and identification of flavor compounds isolated in microgram quantities from dairy products. Application received by Commissioner of Customs: April 4, 1967.

Docket No. 67-00019-25-34095. Applicant: Youngstown University, 410 Wick Avenue, Youngstown, Ohio 44503. Article: Three-phase electrical generalized machine set consisting of generalized machine, a D.C. machine and torque measuring unit with a built-in tachometer-generator. Manufacturer: Mawdsley's Ltd., England.

Intended use of article: Instructional experimentation in electromechanical principles. Application received by Commissioner of Customs: April 4, 1967.

Docket No. 67-00020-65-46040. Applicant: University of California, Lawrence Radiation Laboratory, End of East Avenue, Livermore, Calif. 94550. Article: Electron Microscope-Hitachi Model HU-125. Manufacturer: Hitachi, Ltd., Japan. Intended use of Article: Applicant States:

This instrument will be used for research purposes by the Lawrence Radiation Laboratory under Contract No. W-7405-ENG-48 with the Atomic Energy Commission. Specific use will be in studies of "High Z" materials such as uranium alloys and other materials which, because of their nature, cannot be thinned properly. The behavior of "High Z" materials is such that an electron microscope of 125 KV is needed to provide adequate penetration.

Application Received by Commissioner of Customs: April 4, 1967.

Docket No. 67-00021-65-46040. Applicant: Oregon State University, Department of Engineering, Corvallis, Oreg.

97331. Article: Hitachi Perkin-Elmer Electron Microscope Model HU-11B-3. Manufacturer: Hitachi, Ltd., Japan. Intended use of Article: The electron Microscope will be used in both teaching and research in the laboratories of the School of Engineering. Investigations and Instructions are related to metals and alloys. An Electron Microscope utilizing a high accelerating voltage is required for penetration of thicker specimens. Application received by Commissioner of Customs: April 4, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Business
and Defense Services
Administration.

[F.R. Doc. 67-4151; Filed, Apr. 14, 1967;
8:47 a.m.]

Office of the Secretary

[Dept. Order 46; Amdt. 3]

MANAGEMENT CONSULTING SERVICES

Procurement of Contracts

The following amendment to the order was issued by the Acting Secretary of Commerce on March 31, 1967. The material appearing at 29 F.R. 13541-13542 of October 1, 1964, and 31 F.R. 8086 of June 8, 1966, is hereby further amended as follows:

Department Order 46, dated September 16, 1964, is hereby further amended as follows:

Sec. 3. General Provisions. Paragraph .04 is amended to read:

.04 Contracts for Management Consulting Services.

a. No organizational unit of the Department shall execute any contract, supplement thereto, or significant amendment thereof for management consulting services, nor shall it issue any request for proposals or other form of solicitation for such services, without the prior approval of the Assistant Secretary for Administration, unless the total cost of such services is expected to be less than \$10,000. The Assistant Secretary for Administration shall consult with the Program Secretarial Officer concerned prior to acting on requests for approval of proposed management consulting services.

b. For the purpose of this order, the term "management consulting service" shall include any survey, research study, analysis, or consultation concerned primarily with improving the general management or administrative functions of the Department, or of any of its programs or organizational units.

Effective date: March 31, 1967.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 67-4152; Filed, Apr. 14, 1967;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Redelegation of Authority to Area Managers, Anchorage District

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, the Area Managers administering the Cook Inlet Resource Area, Bristol Bay Resource Area, Glennallen Resource Area, McGrath Resource Area, Southeast Resource Area of the Anchorage District Office are authorized to act on the following matters:

Within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the District Manager, they may exercise the functions of the Bureau Director on the matters specified below subject to the limitations of Bureau Order 701, Part III.

AUTHORITY IN SPECIFIC MATTERS

Sec. 3.3 Fiscal affairs. The Area Manager may take action on:

(d) Trespass: Determine liability and issue notice of trespass on the public lands; recommend as to acceptance of settlement offer made.

Sec. 3.7 Range management. The Area Manager may take all action on:

(a) The issuance of permits to graze or trail livestock or reindeer.

(3) Permits to construct and maintain range improvements and determine the value of such improvements.

(b) The issuance of grazing leases.

(d) Soil and moisture conservation.

Sec. 3.8 Forest management. The Area Manager may take all action on:

(a) Disposition of forest products including sales of timber not exceeding \$1,000 in value.

Sec. 3.9 Land use. The Area Manager may take all action on:

(g) Disposition of materials other than forest products, not exceeding \$1,000 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above-delegated authority through use of Form 1213-1—District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the FEDERAL REGISTER.

Dated: April 4, 1967.

JAMES W. SCOTT,
District Manager.

Approved: April 4, 1967

LYLE F. JONES,
Acting State Director.

[F.R. Doc. 67-4136; Filed, Apr. 14, 1967;
8:45 a.m.]

TEXAS OUTER CONTINENTAL SHELF Availability of Official Leasing Maps

The following outer continental shelf official leasing maps as authorized by 43

CFR 3380.2(b) will become available upon the publication of this FEDERAL REGISTER notice.

Map No.	Name	Date
1.....	South Padre Island Area.	Approved July 16, 1954, revised Jan. 23, 1967.
1A.....	South Padre Island Area East Addition.	Approved May 6, 1965.
2.....	North Padre Island Area.	Approved July 16, 1954, revised Jan. 23, 1967.
2A.....	North Padre Island Area East Addition.	Approved May 6, 1965.
3.....	Mustang Island Area.	Approved July 16, 1954, revised Oct. 30, 1961, revised Jan. 23, 1967.
3A.....	Mustang Island Area East Addition.	Approved Jan. 23, 1967.
4.....	Matagorda Island Area.	Approved July 16, 1954, revised Jan. 23, 1967.
5.....	Brazos Area.	Approved July 16, 1954, revised Jan. 23, 1967.
5B.....	Brazos Area South Addition.	Approved Sept. 24, 1959, revised Jan. 23, 1967.
6.....	Galveston Area.	Approved July 16, 1954, revised Jan. 23, 1967.
6A.....	Galveston Area South Addition.	Approved Sept. 24, 1959, revised Jan. 23, 1967.
7.....	High Island Area.	Approved July 16, 1954, revised August 1965, revised Jan. 23, 1967.
7A.....	High Island Area East Addition.	Approved Jan. 23, 1967.
7B.....	High Island Area South Addition.	Approved Sept. 24, 1959, revised Jan. 23, 1967.
7C.....	High Island Area East Addition South Extension.	Approved Sept. 24, 1959, revised Jan. 23, 1967.

Map No. 5A, Brazos Area South Addition, approved September 24, 1959 (not revised), is hereby canceled and a portion of the area previously covered by that map is now included within the areas shown on Map No. 3A, Mustang Island Area East Addition and new Map No. 5B, Brazos Area South Addition listed above.

The complete set of fifteen (15) maps plus a cover sheet may be purchased for five dollars (\$5) from Director, Bureau of Land Management, Washington, D.C. 20240; or Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Room T-9003, Federal Office Building, 701 Loyola Avenue, New Orleans, La.; or Post Office Box 53226, New Orleans, La. 70150.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

APRIL 11, 1967.

[P.R. Doc. 67-4137; Filed, Apr. 14, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-258]

ISOHEM INC.

Order Granting Withdrawal of Application and Terminating Proceeding

On March 30, 1967, Isochem Inc. (Fission Products Conversion and Encapsu-

lation Plant) filed a motion in accordance with § 2.107 of the Commission's rules of practice to withdraw the application filed initially for a construction permit. The motion asserted that Isochem and the Atomic Energy Commission had now completed the termination agreement which was under negotiation at the time that a motion was filed on January 24, 1967, for a postponement of the hearing. The agreement terminates the contract which Isochem had executed for the construction and operation of a fission products conversion and encapsulation plant.

On March 31, 1967, the Regulatory Staff filed an assent to the motion filed by Isochem.

Wherefore, it is ordered, Pursuant to § 2.107 of the Commission's rules of practice, that the application for licenses filed by Isochem in this proceeding is permitted to be withdrawn by Isochem and this proceeding is terminated.

Issued: April 10, 1967, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[P.R. Doc. 67-4127; Filed, Apr. 14, 1967; 8:45 a.m.]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Issuance of Amendment to Provisional Construction Permit

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Provisional Construction Permit No. CPPR-19. The construction permit, as previously issued, authorizes Rochester Gas and Electric Corp. (the permittee) to construct a pressurized water nuclear reactor (the reactor) to be located on a site on the shore of Lake Ontario, designated as the Brookwood site, in the township of Ontario, Wayne County, N.Y.

The amendment, as requested in the application dated January 16, 1967, re-describes the reactor as the Robert Emmett Ginna Nuclear Power Plant Unit No. 1. The reactor had previously been described as the Brookwood Nuclear Station Unit No. 1.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for construction permit amendment, a copy of

which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of April 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[Construction Permit No. CPPR-19; Amdt. 2]

The Atomic Energy Commission having found that:

a. The application for construction permit amendment, dated January 16, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of his amendment is not required since no significant hazards considerations are involved;

Construction Permit No. CPPR-19, issued to Rochester Gas and Electric Corp., is hereby amended as follows:

1. The last sentence of paragraph 1 is revised to read: The Robert Emmett Ginna Nuclear Power Plant Unit No. 1 contains a pressurized water reactor, the facility, designed to operate at 1,300 megawatts thermal and is to be located at the Robert Emmett Ginna Nuclear Power Plant, Brookwood site, Wayne County, N.Y.

2. Subparagraph 2.B. is revised to read: The facility shall be constructed and located at the Brookwood site as described in the application, as amended, at the Robert Emmett Ginna Nuclear Power Plant, Wayne County, N.Y.

This amendment is effective as of the date of issuance.

Date of issuance: April 10, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[P.R. Doc. 67-4128; Filed, Apr. 14, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
COMMERCIAL SOLVENTS CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A food additive petition (FAP 5C1779) was filed by Commercial Solvents Corp., Terre Haute, Ind. 47808, notice of which was published in the FEDERAL REGISTER of September 17, 1965 (30 F.R. 11928), proposing that § 121.233 Zinc bacitracin be amended to provide for the safe use of a combination drug containing zinc bacitracin and chlortetracycline or oxytet-

racycline, with or without amprolium or zoalene, for specified uses in chicken feed. Subsequently, the Commissioner of Food and Drugs requested submission of certain additional information, as provided for in § 121.51(j) of the procedural food additive regulations. Section 121.51(j) also provides that if such requested information is not submitted within 180 days of the filing date of a petition, the petition will be considered to be withdrawn without prejudice.

The requested information has not been received and, therefore, the subject petition is regarded as having been withdrawn without prejudice to a future filing.

Dated: April 7, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 67-4104; Filed, Apr. 14, 1967;
8:48 a.m.]

W. A. SCHOLTEN'S CHEMISCHE FABRIEKEN N.V.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (PAP 7B2153) has been filed by W. A. Scholten's Chemische Fabrieken N.V., Postbus 1, Foxhol, The Netherlands, proposing an amendment to § 121.2506 *Industrial starch—modified* to provide for the safe use of industrial starch modified by treatment with not more than 6.0 percent of phosphoric acid and 20 percent of urea, as a component of articles intended for use in contact with food.

Dated: April 7, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 67-4165; Filed, Apr. 14, 1967;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15574]

REOPENED UNITED-PACIFIC TRANSFER CASE

Notice of Postponement of Hearing

Notice hereby is given that hearing in the above-indicated proceeding, now assigned to be held April 18, 1967, is postponed indefinitely.

Dated at Washington, D.C., April 12, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[P.R. Doc. 67-4208; Filed, Apr. 14, 1967;
8:49 a.m.]

[Docket No. 18273]

AIRLIFT INTERNATIONAL, INC., ET AL.

Notice of Oral Argument Regarding Exemption of Air Carriers for Short- Notice, Military Contracts and Sub- stitute Service and Statements of General Policy

At the direction of the Board notice is hereby given that oral argument in the above-entitled matter is assigned to be heard before the Board on April 21, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

An hour has been allotted for a joint presentation on behalf of the following air carriers.

Airlift International, Inc.
Braniff Airways, Inc.
Capitol International Airways, Inc.
Continental Air Lines, Inc.
The Flying Tiger Line, Inc.
Northwest Airlines, Inc.
Saturn Airways, Inc.
Seaboard World Airlines, Inc.
Trans Caribbean Airways, Inc.
Trans International Airlines, Inc.
World Airways, Inc.

Time will be allotted to other interested parties upon specific request addressed to the Chief Examiner on or before April 19, 1967.

Dated at Washington, D.C., April 13, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[P.R. Doc. 67-4220; Filed Apr. 14, 1967;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4533 etc.]

SELLS PETROLEUM, INC., ET AL.

Findings and Orders

APRIL 6, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, making rate changes effective, accepting agreement and under taking for filing, requiring filing of surety bonds, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and pro-

pose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Alvin Wilson et al., Applicants in Docket No. G-4846, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to C. D. Davis et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-374.¹ Therefore, Applicants will be made co-respondents in said proceeding, the proceeding will be redesignated accordingly, and Applicants will be required to file a surety bond to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding.

Car-Tex Producing Co. (Operator) et al., Applicant in Docket No. CI66-554, proposes inter alia, to continue in part the sale of natural gas heretofore authorized in Docket No. G-4846 to be made pursuant to C. D. Davis et al., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-374.¹ Therefore, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Amerada Petroleum Corp., Applicant in Docket Nos. CI67-791 and CI67-792, has filed applications for certificates as a nonoperator to cover its own interests in sales of natural gas heretofore authorized in Docket Nos. CI63-759 and CI63-760, respectively, to be made pursuant to Robbins Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule Nos. 3 and 4, respectively. Instruments of ratification of the contracts comprising Robbins' rate schedules have been filed by Applicant as its own rate schedules. On June 3, 1963, Robbins filed with the Commission notices of changes in rate under its FPC Gas Rate Schedule Nos. 3 and 4. By order issued June 20, 1963, in Docket No. RI63-456 et al., the Commission suspended the proposed changes in Docket No. RI63-476¹ until December 4, 1963,

¹ Consolidated with Docket No. AR67-1 et al.

and thereafter until made effective. The changes were designated as Supplement No. 1 to each rate schedule. On February 1, 1967, Applicant filed motions to be made co-respondent in Docket No. RI63-476, motions to make the changes in rate effective subject to refund, and agreements and undertakings to assure the refunds of any amounts collected by Applicant in excess of the amounts determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent, the proceeding will be redesignated accordingly, the changes in rate will be made effective subject to refund, and the agreements and undertakings will be accepted for filing.

Continental Oil Co., Applicant in Docket No. CI67-514, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-6669 to be made pursuant to Delhi-Taylor Oil Corp. FPC Gas Rate Schedule No. 43. Tenneco Oil Co., Applicant in Docket No. G-6669, proposes to continue the remainder of the sale authorized in said docket. Continental and Tenneco have each acquired an undivided one-half interest in the producing properties and assets of Delhi-Taylor. By order issued August 5, 1963, in Docket No. G-2721 et al., a certificate was issued to George L. Buckles et al., in Docket No. CI63-678 authorizing the sale by Buckles from the properties theretofore covered by the certificate in Docket No. G-6669 and Delhi-Taylor's FPC Gas Rate Schedule No. 43. Said order vacated the certificate in Docket No. G-6669 with respect to the particular sale. Continental and Tenneco have become aware of the fact that the assignment from Delhi-Taylor to Buckles contained a depth limitation and that, therefore, when Continental and Tenneco acquired the assets of Delhi-Taylor, they acquired interests in production below the depth of 4,000 feet. Accordingly, they have filed the applications herein for authorizations to continue the sales from the depths retained by Delhi-Taylor and not assigned to Buckles. It will not be necessary at this time to qualify the vacation of the certificate in Docket No. G-6669 with the depth limitation because the certificate heretofore issued in Docket No. CI63-678 was terminated concurrently with the issuance of a small producer certificate to Buckles in Docket No. CS-66-119 for unspecified sales from the Permian Basin area. Although the order of August 5, 1963, purported to vacate without qualification the certificate issued in Docket No. G-6669 insofar as it pertained to Delhi-Taylor's FPC Gas Rate Schedule No. 43, Buckles could not then and cannot now make any sales from properties which he has not acquired from Delhi-Taylor. Therefore, Continental and Tenneco will be authorized in Docket Nos. CI67-514 and G-6669 to continue the sale of natural gas heretofore authorized to be made by Delhi-Taylor pursuant to its FPC Gas Rate Schedule No. 43 from depths below 4,000 feet.

After due notice, no petitions to intervene, notices of intervention, or pro-

tests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on March 30, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas heretofore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67-551 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI61-1226.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4533, G-4846, G-6669, G-8743, G-13000, CI60-160, CI61-1226, CI63-215, CI63-759, CI63-760, CI64-175, CI64-1130, and CI66-942 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sales heretofore authorized to be made pursuant to the certificates issued in Docket Nos. G-

11435, G-13052, and G-13852 should hereafter be made pursuant to the authorization granted in Docket No. G-8743 and that the former certificates should be terminated.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Alvin Wilson et al., should be co-respondents in the proceeding pending in Docket No. RI65-374, that said proceeding should be redesignated accordingly, and that Alvin Wilson et al., should be required to file a surety bond.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Car-Tex Producing Co. (Operator) et al., should be a co-respondent in the proceeding pending in Docket No. RI65-374, that said proceeding should be redesignated accordingly, and that Car-Tex should be required to file a surety bond.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI63-476, that said proceeding should be redesignated accordingly, that the proposed changes in rate suspended in said proceeding should be made effective with respect to sales from Applicant's interests, and that the agreements and undertakings submitted by Applicant should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as

Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 8 and 10 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI66-482 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) The rate for sales authorized in Docket Nos. CI67-465 and CI67-466 shall be the initial rate provided in the related rate filings, which does not exceed the applicable area base rate as adjusted for quality, as reflected in the rate schedule quality statements submitted by Applicants; and no increase in rates in excess of said initial rates shall be filed before January 1, 1968.

(G) If the quality of the gas delivered by Applicants in Docket Nos. CI66-482, CI67-465, and CI67-466 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of

the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(H) Within 45 days from the date of this order Applicants in Docket Nos. G-6669, CI66-984, and CI67-514 each shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(I) A certificate is issued herein in Docket No. CI67-968, subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R-200.

(J) Certificates are issued herein in Docket Nos. CI67-653, CI67-881, and CI67-990, authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(K) Certificates are issued herein in Docket Nos. CI67-965, CI67-966, CI67-989, and CI67-991, authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(L) Certificates are issued herein to Amerada Petroleum Corp. in Docket Nos. CI67-971 and CI67-972, authorizing Applicant to continue the sales of natural gas previously covered by the certificates issued to Robbins Petroleum Corp. (Operator) et al., in Docket Nos. CI63-759 and CI63-760, respectively.

(M) The certificates heretofore issued in Docket Nos. CI63-759 and CI63-760 are amended by deleting therefrom the interest of Amerada Petroleum Corp.

(N) Docket No. CI67-551 is canceled.

(O) The certificates heretofore issued in Docket Nos. G-4533, CI60-160, CI63-215, CI64-175, and CI66-942 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificate heretofore issued in Docket No. CI64-1130 is amended to reflect removal of the reserve limitation.

(Q) The certificates heretofore issued in Docket Nos. G-4846, G-6669, G-8743, and CI61-1226 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The sales heretofore authorized to be made in Docket Nos. G-11435, G-13052, and G-13852 are made pursuant to the authorization granted in Docket No. G-8743, in paragraph (Q) above, and the certificates in Docket Nos. G-11435, G-13052, and G-13852 are terminated.

(S) The certificate heretofore issued in Docket No. G-6669 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67-514.

(T) The certificates heretofore issued in Docket Nos. G-4846 and G-13000 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66-554.

(U) The acceptance for filing of the related rate schedules in Docket No. CI66-554 is contingent upon Applicant's filing three copies of a billing statement for each rate schedule and letter agreements dated March 20, 1961, between C. D. Davis and Tennessee Gas Transmission Co., and March 19, 1965, between Renappi Corp. and Tennessee Gas Transmission Co., as required by the regulations under the Natural Gas Act.

(V) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(W) The abandonment of service herein permitted and approved in Docket No. CI67-984 does not relieve Applicant of any obligations to make such refunds as may be ordered in the rate suspension proceeding pending in Docket No. RI63-219.

(X) The certificates heretofore issued in Docket Nos. G-10857, G-11599, G-13235, CI63-864, CI64-967, CI65-290, and CI65-646 are terminated.

(Y) Alvin Wilson et al., shall be co-respondents in the proceeding pending in Docket No. RI65-374 and said proceeding is redesignated accordingly.²

(Z) Within 30 days from the issuance of this order Alvin Wilson et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI65-374 in the amount of \$7,200 to assure the refund of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(AA) Car-Tex Producing Co. (Operator) et al., shall be a co-respondent in the proceeding pending in Docket No. RI65-374 and said proceeding is redesignated accordingly.²

(BB) Within 30 days from the issuance of this order Car-Tex Producing Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI65-374 in the amount of \$13,400 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in ex-

² C. D. Davis et al., Car-Tex Producing Co. (Operator) et al., and Alvin Wilson et al.

- * Transfers interest from Jack Tway and Lora C. Tway to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
- * Transfers interest from James H. Helland to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
- * Transfers interest from L. & E. Investment Co., R. E. Lee and M. S. Lee to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
- * Transfers interest from M. Troy Jones to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
- * Transfers interest from William Ewing, Jr. to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co. (By letter dated Nov. 8, 1966, a representative of Applicant stated that the Tri Gas Co. owns all interest in the subject properties.)
- * Sale being rendered on June 7, 1964.
- * Increases price from contract rate of 12.0 cents per Mcf at 60° F. and 15.325 p.s.i.a.
- * Increases contract price to 15.0 cents per Mcf.
- * Sale being rendered without prior Commission authorization.
- * Applicant has indicated willingness to accept a permanent certificate conditioned similarly to the certificates issued under Opinion No. 350.
- * Applicant is filing to cover its own interests which were previously covered under the certificates issued to Robbins Petroleum Corp. (Operator) et al., in Docket Nos. C163-759 and C163-760, respectively.
- * Ratifies and adopts terms of contracts dated 10-1-62 and 11-12-62, respectively.
- * Production of gas no longer economically feasible.
- * Filing made by Lyons Petroleum et al.; rate schedule designated as Lyons & Logan (Operator) et al.
- * Rate of 12.0 cents collected subject to refund in Docket No. R163-219.
- * Formerly designated as Ferrell L. Prior et al. d.b.a. Prior Oil Co., FPC GRS No. 39.

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address at place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of \$_____, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. _____ not justified;

Now, Therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators¹) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. _____, (Name of Respondent), shall:

¹ To be included if a noncorporate respondent.

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. _____, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this _____ day of _____

Attest:

By _____
Principal

By _____
Surety

[F.R. Doc. 67-4090; Filed, Apr. 14, 1967;
8:45 a.m.]

[Docket No. CP66-205, CP66-285]

CINCINNATI GAS & ELECTRIC CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

APRIL 7, 1967.

Upon consideration of the request for postponement of hearing filed on April 5, 1967, by The Cincinnati Gas & Electric Co. (CG&E) in the above-designated matter, on the ground that CG&E has discovered some corrections that should be made in the requirements figures previously submitted in its direct presentation; and further upon consideration of the request of the intervenors, Ohio Fuel Gas Co. and Kentucky Gas Transmission Co. that if CG&E's corrections necessitate revisions in their prepared testimony and exhibits, that a date be fixed not before April 28, 1967, for the service of such revisions;

Take notice that the hearing presently scheduled to commence on April 11, 1967, is hereby postponed to May 9, 1967. Further, Ohio Fuel Gas Co., Kentucky Gas Transmission Co., and any other intervenor opposing the applicants may file and serve on or before April 28, 1967, any revisions to their direct presentations

which they deem necessary in view of the corrections in CG&E's requirements figures which the latter states it proposes to serve on or before April 10, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4132; Filed, Apr. 14, 1967;
8:45 a.m.]

[Docket No. CP66-420]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

APRIL 7, 1967.

Take notice that on April 3, 1967, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP66-420 a petition to amend the order issued by the Commission August 31, 1966, by authorizing Petitioner to deliver additional volumes of natural gas to Iroquois Gas Corp. (Iroquois) for an additional calendar year, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to transport and deliver quantities of natural gas to Iroquois for use in its Buffalo-Niagara Falls distribution area for a period of 1 year commencing January 1, 1967, pending the construction of natural gas facilities authorized in Docket No. CP66-349 by which Iroquois would be able to purchase natural gas from United Natural Gas Co. (United) at the New York-Pennsylvania State line and transport said natural gas to Iroquois' Buffalo load center. Iroquois has informed Petitioner that said construction has been delayed and that due to this delay Iroquois has requested Petitioner to transport natural gas for it during the calendar year 1968. Petitioner will transport said natural gas during the months of January, February, March, April, November, and December 1968, and due to Iroquois' increased customer requirements for the year 1968, it requests a greater peak-day volume and maximum annual quantity than authorized for 1967. Petitioner states that the rendition of this service will not result in a material change in its average cost of service and will not require any additional facilities.

Petitioner states that it has entered into a precedent agreement with Iroquois dated March 21, 1967, to provide the service above mentioned. The maximum daily and maximum annual quantities of natural gas requested by Iroquois are 90,000 Mcf and 8,580,000 Mcf, respectively, and the parties have agreed on a fixed annual transportation charge of \$418,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 5, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4133; Filed, Apr. 14, 1967;
8:45 a.m.]

[Docket No. RP67-18]

PANHANDLE EASTERN PIPE LINE CO.**Notice of Proposed Changes in Rates**

APRIL 13, 1967.

Take notice that on April 10, 1967, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1967. The proposed changes reflect a reduction in rates and charges, based on utilization of liberalized depreciation starting in 1967, reduction of rate base by the accumulated deferred taxes in Account 282, and a proposed reduction in rates by a supplier, Trunkline Gas Co., in Docket No. RP67-17. The proposed rate decreases will reduce Panhandle's annual jurisdictional revenues by \$3,900,494, based on estimated sales for the year 1967. Panhandle also proposes to refund \$1 million plus interest covering the period from October 1, 1965, through December 31, 1966, in accordance with its agreement approved in Docket No. RP66-21 on February 24, 1966.

An "Agreement," submitted for Commission approval concurrently with the proposed tariff changes, provides for Panhandle's adoption of flow-through accounting for liberalized depreciation and amortization of Account 282 on a vintage year basis, subject to the outcome of the proceedings in Docket No. R-264. It also provides for flow-through of supplier refunds and rate reductions.

Copies of the proposed rate changes and the "Agreement" have been mailed by Panhandle to each of its jurisdictional customers and to interested State regulatory commissions. Comments may be filed with the Commission on or before May 4, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 67-4241; Filed, Apr. 14, 1967; 11:18 a.m.]

[Docket No. RP67-17]

TRUNKLINE GAS CO.**Notice of Proposed Changes in Rates**

APRIL 13, 1967.

Take notice that on April 10, 1967, Trunkline Gas Co. (Trunkline) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1967. The proposed changes reflect a reduction in rates and charges, based on utilization of liberalized depreciation starting in 1967 and reduction of rate base by the accumulated deferred taxes in Account 282. The proposed rate decreases will reduce Trunkline's annual jurisdictional revenues by \$2,682,301, based on estimated sales for the year 1967. Trunkline also proposes to refund \$1,200,000 plus interest covering the period from October 1, 1965, through De-

ember 31, 1966, in accordance with its agreement approved in Docket No. RP66-20 on February 24, 1966.

An "Agreement," submitted for Commission approval concurrently with the proposed tariff changes, provides for Trunkline's adoption of flow-through accounting for liberalized depreciation and amortization of Account 282 on a vintage year basis, subject to the outcome of the proceedings in Docket No. R-264. It also provides for flow-through of supplier refunds and rate reductions.

Copies of the proposed rate changes and the "Agreement" have been mailed by Trunkline to each of its jurisdictional customers and to interested State regulatory commissions. Comments may be filed with the Commission on or before May 4, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 67-4242; Filed, Apr. 14, 1967; 11:18 a.m.]

FEDERAL MARITIME COMMISSION**PACIFIC FAR EAST LINE, INC. AND SAIPAN SHIPPING CO.****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 agreements 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 7 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. Howard C. Adams, Vice President, Pacific Far East Line, Inc., 916 16th Street NW., Washington, D.C. 20006.

Agreement 9570-2, between Pacific Far East Line, Inc. (PFEL), and Saipan Shipping Co. (SAISHIP), modifies Agreement 9570 as follows:

- (1) Provides that the through rates under the agreement shall be a combination of the local rates of each party, and,
- (2) Deletes Articles 3, 4, and 5 pertaining to SAISHIP's proportion of the through rate and the disposition of

transshipment expenses and commercial port charges at port of transshipment.

Dated: April 11, 1967.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[P.R. Doc. 67-4129; Filed, Apr. 14, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM**UNION COUNTY TRUST CO.****Order Approving Merger of Banks**

In the matter of the application of Union County Trust Co. for approval of merger with Hillside State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), and application by Union County Trust Co., Elizabeth, N.J., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Hillside State Bank, Hillside, N.J., under the charter and title of Union County Trust Co. As an incident to the merger, the sole office of Hillside State Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 10th day of April 1967.

By order of the Board of Governors.²

[SEAL] MERRITT SHERMAN,
Secretary.

[P.R. Doc. 67-4134; Filed, Apr. 14, 1967; 8:45 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting statement of Governors Maisel and Brimmer also filed as part of the original document and available upon request.

² Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, and Daane. Voting against this action: Governors Maisel and Brimmer. Absent and not voting: Chairman Martin.

SECURITIES AND EXCHANGE COMMISSION

[812-2085]

EXCHANGE GROWTH/INCOME FUND, INC.

Notice of Filing of Application for Order of Exemption

APRIL 11, 1967.

Notice is hereby given that Exchange Growth/Income Fund, Inc. ("Company"), 89 Broad Street, Boston, Mass., a Maryland corporation registered under the Investment Company Act of 1940 ("Act"), as a diversified, closed-end management investment company, has filed an application for an order pursuant to sections 6(c) and 18(i) of the Act (i) exempting from the provisions of section 18(a)(2)(E) of the Act the issuance by the Company of Cumulative Income Shares described below; and (ii) permitting the two classes of security holders of the Company to vote as separate classes on certain matters. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Company has filed a registration statement under the Securities Act of 1933 for 200,000 Cumulative Income Shares ("Income Shares") and a like number of Capital Shares to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. The Company proposes to sell approximately equal dollar amounts of the two classes of stock at a price for either class of \$500 per share plus a maximum sales charge of 5 percent of the market value of the securities exchanged. The required minimum deposit will be securities having a market value of \$20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities on the date of the exchange is at least \$30 million. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

The holders of the Income Shares will be entitled to all of the Company's net investment income and, in any event, to an annual cumulative dividend of \$25 per share whether or not earned. Dividends in arrears are payable out of subsequent net investment income. All realized capital gains, other than short-term gains which might be distributed for tax purposes, will be reinvested as long as the Income Shares are outstanding. The Income Shares are not callable prior to January 1, 1982, and, thereafter, should the Company's shareholders vote to change the Company's subclassification to an open-end company, they are to be converted into Capital Shares. Should the Company not be changed into an open-end company on the first full business day after January 1, 1982, the Company will then be terminated and, prior to any distribution to

holders of Capital Shares, the holders of the Income Shares will be entitled to \$500 per share plus accrued but unpaid dividends, and any undistributed net investment income, less an adjustment reflecting a portion of the unrealized appreciation at the time of the exchange.

The holders of Income Shares, voting separately as a class, are entitled to elect two members of the Board of Directors of the Company and the holders of the Capital Shares, voting separately as a class, are also entitled to elect two directors. All the shareholders voting together will elect any remaining directors. If, at any time, the \$25 annual cumulative dividend shall be unpaid in an amount equal to or greater than \$50 per share, the holders of the Income Shares will elect a majority of the Board, and will continue to elect such majority until such dividend shall have been paid, or otherwise provided for, in full for all past periods. On all other matters voted upon by shareholders, the holders of the Income Shares and the holders of the Capital Shares will vote together as one class except that each class of shareholders will be entitled to vote as a class (with a two-thirds vote of that class required) on amendments to the Articles of Incorporation that would adversely affect its interests or upon any proposed liquidation other than at the expiration of the Income Shares mentioned above, and that the rights of the holders of the Income Shares to vote as a class on certain other matters as required by section 18(a)(2)(d) of the Act will also be extended to the holders of the Capital Shares.

The Company will pay an advisory fee to Growth/Income Management, Inc., computed at an annual rate of one-quarter of 1 percent of the value of its average net assets up to \$100 million (scaled down on larger amounts) plus an amount, not to exceed an additional one-quarter of 1 percent of such assets, equal to 8 percent of the Company's gross annual investment income up to \$3 million per year (scaled down to a minimum of 6 percent on gross income over \$8 million per year).

Section 18(a)(2)(E) of the Act requires a class of senior security which is a stock to have complete priority over any other class as to payment of dividends, which dividends shall be cumulative. Since the Income Shareholders of the Company are entitled to an annual dividend having a minimum cumulative rate of \$25 and to all of the Company's remaining net investment income, the total amount of the dividend is not fixed and thus the entire amount of the dividend is not cumulative as is required by section 18(a)(2)(E). Therefore, the Company has requested an order of exemption to permit the issuance of its Income Shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is

necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 18(i) of the Act requires shares of stock issued by a registered management investment company to have equal voting rights with every other outstanding voting stock except as provided in section 18(a) of the Act, otherwise required by law or as permitted by order of the Commission. The Company seeks permission to issue the Income and Capital Shares with the respective voting rights described above.

Notice is further given that any interested person may, not later than May 2, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-4144; Filed, Apr. 14, 1967;
8:46 a.m.]

[812-2085]

FEDERATED-DUAL EXCHANGE FUND, INC.

Notice of Filing of Application for Order of Exemption

APRIL 11, 1967.

Notice is hereby given that Federated-Dual Exchange Fund, Inc. ("Company"), 701 William Penn Place, Pittsburgh, Pa. 15219, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end diversified investment company, has filed an application pursuant to sections 6(c) and 18(i) of the Act for an order: (1)

exempting the Company from the provisions of section 14(a) of the Act; (ii) exempting the issuance by the Company of Income Shares from the provisions of section 18(a) (2) (E) of the Act; and (iii) permitting the two classes of security holders of the Company to vote as separate classes on certain matters. All interested persons are referred to the application on file with the Commission for a statement of the Company's representations, which are summarized below.

The Company has filed a registration statement under the Securities Act of 1933 for 190,000 Income Shares and a like number of Capital Shares to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. The Company proposes to sell equal dollar amounts of the two classes of stock at a price of one Income Share or one Capital Share of the Company for each \$500 of market value of securities received by the Company on the effective date of the exchange, plus a maximum sales charge of 5 percent of the market value of the securities exchanged. The minimum deposit the Company will accept from any investor is securities having a market value of \$10,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities on the effective date of the planned exchange is at least \$10 million. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

The holders of the Income Shares will be entitled to all of the Company's net investment income and, in any event, to an annual cumulative distribution of \$25 per share whether or not earned. Dividends in arrears are payable out of subsequent net investment income. The Income Shares will remain outstanding until July 1, 1979; on that date all outstanding Income Shares will be converted into Capital Shares at the then net asset value of the Capital Shares. The conversion value of the Income Shares will be \$500 plus any accrued and unpaid \$25 per share annual cumulative distributions, less the amount of any Federal capital gains taxes per share paid in respect of realized but undistributed preexchange capital gains allocated to the Income Shares since the exchange date. After conversion of the Income Shares into Capital Shares the Company's shareholders will vote upon a proposal that the Company become an open-end investment company.

The holders of Income Shares will be entitled, voting separately as a class, to elect one-half of the members of the Company's 10-man Board of Directors, and the holders of the Capital Shares, voting separately as a class, will elect the balance of the members. If at any time the annual cumulative distributions on the Income Shares are in arrears in an amount equal to 2 full years per share the holders of the Income Shares shall be entitled, voting separately as a class, to elect a majority of the Board and will continue to elect such majority until all

arrears on the annual cumulative distribution have been paid or otherwise provided for. On all other matters voted upon by shareholders, the holders of the Income Shares and the holders of the Capital Shares will vote together as one class, except that each class of shareholders will be entitled to vote as a class on Certificate of Incorporation amendments that would adversely affect its interests, and that the rights of the holders of the Income Shares to vote as a class on certain other matters as required by section 18(a) (2) (D) of the Act will also be extended to the holders of the Capital Shares.

The Company proposes to enter into an investment advisory contract with Dual-Vest Research Corp. ("Research") whereby Research will supervise the investment portfolio of the Company subject to the direction and control of the Company's Board of Directors. As compensation for these services the Company will pay Research a fee equivalent, on an annual basis, to the lesser of one-half of 1 percent of the average value of the net assets of the Company or one-fifth of the Company's gross investment income for such year, excluding capital gains or losses.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least \$100,000 or unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least \$100,000; (B) that said amount will be paid in to such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least \$100,000 within 90 days after such registration statement becomes effective. The Company presently has one Income Share and one Capital Share outstanding, nominal assets, and no liabilities, and anticipates that it will have only two outstanding shares, nominal assets and no liabilities prior to the planned exchange if the exemption here sought is obtained. Since the planned exchange will not be consummated unless the aggregate market value on the exchange date of all securities deposited by investors is \$10 million or more, the Company represents that it will be assured of commencing business as an investment company with assets substantially in excess of \$100,000, and that under the circumstances described the exemption sought would be consist-

ent with the purposes intended to be served by section 14(a) of the Act.

Section 18(a) (2) (E) requires a class of senior security which is a stock to have complete priority over any other class as to payment of dividends, which dividends shall be cumulative. Since the holders of the Company's Income Shares are entitled to an annual cumulative distribution of \$25 per share, and to all of the Company's remaining net investment income, the total amount of the dividend is not fixed and hence not cumulative as required by section 18(a) (2) (E). Therefore, the Company has requested an order of exemption to permit the issuance of its Income Shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 18(i) of the Act requires that every share of stock issued by a registered investment company be voting stock with equal voting rights with every other outstanding voting stock except as provided by section 18(a) of the Act, otherwise required by law or as permitted by order of the Commission. The Company seeks permission to issue its Income and Capital Shares with the respective voting rights described above.

Notice is further given that any interested person may, not later than May 2, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-4145; Filed, Apr. 14, 1967;
8:46 a.m.]

[812-1895]

**LIFE INSURANCE INVESTORS, INC.,
AND CONSOLIDATED AMERICAN
LIFE INSURANCE CO.**

**Notice of Filing of Application for
Order Exempting Sale by Open-
End Company of Shares at Other
Than Public Offering Price**

APRIL 11, 1967.

Notice is hereby given that Life Insurance Investors, Inc. ("Investors"), 10 South La Salle Street, Chicago, Ill. 60603, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, and Consolidated American Life Insurance Co. ("Consolidated"), 308 North West Street, Jackson, Miss. 39205, a Mississippi corporation, have filed a joint application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of shares of Investors at net asset value to holders of certain insurance policies issued by a predecessor company of Consolidated. Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in its prospectus. Shares of Investors are offered to the public at a price which includes a sales charge in addition to the net asset value. Since the shares of Investors will be offered to certain policy holders of Consolidated at net asset value; i.e., without a sales charge, an exemption is requested. All interested persons are referred to the application filed with the Commission for a statement of the representations made therein which are summarized below.

From 1960 through 1963 a predecessor company of Consolidated sold participating life insurance policies known as the President's Expander Plans ("PEP") which provide that at the beginning of each year from the second through the 10th policy years a guaranteed Additional Benefit ("Additional Benefit") equal to 40 percent of the annual life premium for the policy will mature under the policy. Under the policies, the insured has the option of receiving the Additional Benefits in cash, having them applied toward the payment of premiums or leaving them on deposit with the insurance company, in which case the monies are paid into a so-called Anti-Inflation Growth Fund ("Fund") which invested in the stocks of life insurance companies.

In order to resolve problems under the Act and the Securities Act of 1933, it is now proposed that the Fund will be liquidated and the holders of interests in the Fund will be given the option of receiving their pro rata share of the proceeds from the liquidation of the Fund in cash or receiving a number of shares of Investors, at net asset value, equal to the cash value of said holder's pro rata share of the proceeds from liquidation of the Fund.

The Additional Benefits will continue to accrue under the existing PEP policies and all the holders of such policies will have the options of having such benefits paid to them in cash, applied to the payment of premiums or left on deposit with the Company at interest. In addition those PEP policy holders who elect to have their pro rata share of the liquidation value of the Fund invested in Investors without a sales charge, will have the additional option of having the Additional Benefit maturing under the policy invested in shares of Investors without a sales charge. In lieu of a sales load on the purchase of such additional shares of Investors, Consolidated will pay, out of its general funds, to Capital Planning Services Inc., the distributor of the capital stock of Investors, a fee equivalent to 1½ percent of the total amount of Additional Benefits used to purchase shares of Investors subsequent to the initial purchase of shares of Investors.

As of November 30, 1966, 1,047 PEP policy holders had Additional Benefits remaining on deposit with the Fund and the market value of the portfolio of securities held by the Fund was \$370,221.71.

Investors and Consolidated represent that there are presently no relationships which exist between them as would constitute them or any of their officers, directors or controlling persons "affiliated persons" within the meaning of section 2(a) (3) of the Act.

Investors and Consolidated further represent that Investors, with a diversified portfolio of life insurance stocks, is in a position to offer PEP holders what they anticipated getting when they bought the PEP policy and elected to have their additional benefits paid into the Fund. Investors and Consolidated believe that it would be inequitable to the holders of PEP policies to impose a sales charge in connection with their proposed plan which is designed to resolve the problems under the Act created by the Fund. It is for that reason that they have decided to give those PEP holders wishing to do so, the right to invest their pro rata portion of the Fund and any additional benefits to accrue in the future, in Investors without any sales charge.

Under section 6(c) of the Act the Commission may grant an exemptive order if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 2, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such re-

quest shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Investors and Consolidated, at the addresses set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in the application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.[P.R. Doc. 67-4146; Filed, Apr. 14, 1967;
8:46 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 1505]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

APRIL 12, 1967.

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-69348. By order of April 11, 1967, the Transfer Board approved the transfer to Clemmer Moving & Storage, Inc., Souderton, Pa., of the operating rights in certificate No. MC-119121 issued to Norman C. Clemmer and Earl Minger, doing business as Clemmer Moving & Storage, Souderton, Pa., on October 21, 1965, authorizing the transportation of: Household goods, as defined by the Commission, between Souderton, Pa., and 10 miles thereof, on the one hand, and, on the other, points in New Jersey and New York. Irwin S. Rubin, 15 Washington Avenue, Souderton, Pa. 18964, attorney for applicants.

No. MC-FC-69360. By order of April 11, 1967, the Transfer Board approved the transfer to Nelson's Express, Inc.,

Millersburg, Pa., of that portion of the certificate in No. MC-44339, issued August 3, 1964, to Donald Lewis Gray, Bloomsburg, Pa., authorizing the transportation, over irregular routes, of general commodities, between points within 20 miles of Bloomsburg, Pa., including Bloomsburg. John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011, representative for applicants.

No. MC-FC-69433. By order of April 11, 1967, the Transfer Board approved the transfer to System Transport, Inc., Spokane, Wash., of a portion of certificate No. MC-26707, issued December 21, 1966, as corrected, to Phillip J. Groetken, Le Mars, Iowa, authorizing the transportation of: Farm equipment, between Le Mars, Iowa, and points within 25 miles thereof, on the one hand, and, on the other, points in Minnesota, South Dakota, and Nebraska; and farm machinery, between Le Mars, Iowa, and points in Iowa within 25 miles of Le Mars, on the one hand, and, on the other, points in Illinois, Missouri, and Wisconsin. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-69530. By order of April 10, 1967, the Transfer Board approved the transfer to Earl L. Bonsack and Elaine M. Bonsack, a partnership, doing business as Earl L. Bonsack, La Crosse, Wis., of permit Nos. MC-124987 (Sub-No. 1) and MC-124987 (Sub-No. 3), issued January 18, 1965, and March 15, 1965, respectively, to Earl L. Bonsack, La Crosse, Wis., authorizing the transportation of: Malt beverages, and incidental advertising materials, premiums, and malt beverage dispensing equipment and supplies, from the plantsite of the Theo. Hamm Brewing Co. at St. Paul, Minn., to La Crosse, Wis.; and malt beverages, from La Crosse, Wis., and Sheboygan, Wis., to Red Wing, Minn., and from Sheboygan, Wis., to Winona, Minn. Earl L. Bonsack, 1129 Vine, La Crosse, Wis. 54601, representative for applicants.

No. MC-FC-69522. By order of April 11, 1967, the Transfer Board approved the transfer to Farny Truck Service, Inc., St. Helens, Oreg., of the operating rights in certificates Nos. MC-28517, MC-28517 (Sub-No. 1), and MC-28517 (Sub-No. 2), issued January 12, 1950, September 29, 1950, and October 15, 1953, respectively, to Lewis R. Winkler and Albert T. Carlson, a partnership, doing business as Farny Truck Service, Portland, Oreg., authorizing the transportation, over regular routes, of general commodities, with exceptions, between Portland, Oreg., on the one hand, and, on the other, St. Helens, Rainier, and Birkenfeld, Oreg., and Vancouver, Wash. John G. McLaughlin, 624 Pacific Building, Portland, Oreg., attorney for applicants.

No. MC-FC-69536. By order of April 10, 1967, the Transfer Board approved the transfer to H. J. Culler, Inc., McConnellsburg, Pa., of certificate No. MC-110599, issued July 28, 1949, to Harvey J. Culler, McConnellsburg, Pa., authorizing the transportation of: Fertilizer and oyster shells, over irregular routes,

during the season extending from March 1 to May 31, inclusive, and from July 1 to September 30, inclusive, of each year, from Baltimore, Md., to points and places in Fulton County, Pa. John M. Musselman, Rhoads, Simon and Reader, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-69537. By order of April 10, 1967, the Transfer Board approved the transfer to D. J. Mungovan Trucking, Inc., Worcester, Mass., of the certificate of registration in No. MC-56972 (Sub-No. 1), issued November 20, 1963, to Daniel J. Mungovan, Worcester, Mass., and evidencing a right of the holder to engage in operations in interstate or foreign commerce within the limits of irregular route common carrier certificate No. 5400, dated October 28, 1946, issued by the Massachusetts Department of Public Utilities. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.
[F.R. Doc. 67-4169; Filed, Apr. 14, 1967;
8:48 a.m.]

[Notice 365]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 12, 1967.

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 of 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 of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest 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 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 50307 (Sub-No. 39 TA), filed April 6, 1967. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Zely & Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other,

Parkersburg, W. Va., for 150 days. Supporting shipper: Renmar Manufacturing Corp., 315 Ann Street, Parkersburg, W. Va. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 52579 (Sub-No. 57 TA), filed April 6, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicants representative: Aaron Hoffman (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel*, (1) between Newark, N.J., on the one hand, and, on the other, Hialeah, Fla., and Fayette, Ala., (2) between Hartsville, S.C., and West Hollywood, Fla., and (3) between Newport, Vt., and New York, N.Y., for 150 days. Supporting shippers: Columbia Casual's, Inc., 32 Central Street, Newport, Vt. 05855, Cotton City Wash Frocks, Inc., 1350 Broadway, New York, N.Y. 10018, Neptune Raincoat Co., Inc., 963 Newark Avenue, Elizabeth, N.J., and Little Lisa Sales Co., Inc., 520 Eighth Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 95084 (Sub-No. 51 TA), filed April 7, 1967. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractor cabs*; from Longmont, Colo., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Marvin Westrum, president, W. W. Engineering Co., Longmont, Colo. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 101075 (Sub-No. 106 TA), filed April 6, 1967. Applicant: TRANSPORT, INC., Box 396, 1215 Center Avenue, Moorhead, Minn. 56561. Applicants representative: Ronald B. Pitsenbarger (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemical fertilizers*, in bulk, from storage facilities of Cominco American at Dilworth, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: Cominco American, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Joseph H. Amb, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1621 South University Drive, Room 213, Fargo, N. Dak.

No. MC 107403 (Sub-No. 714 TA), filed April 7, 1967. Applicant: MATLACK,

INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic materials*, dry, in bulk, in tank vehicles, from Pataskala, Ohio, to Crestline, Ohio, for 180 days. Supporting shipper: Shell Chemical Co., 50 West 50th Street, New York, N.Y. Send protests to: District Supervisor Ross A. Davis, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 715 TA), filed April 7, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene pellets*, dry, in bulk, in tank vehicles, from Neal, W. Va., to Walthamville, Ga., for 150 days. Supporting shipper: Navamont Corp., Post Office Box 189, Kenova, W. Va. 25530. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 566 TA), filed April 5, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from Tulsa, Okla., to Anniston, Birmingham, Dothan, Florence, Mobile, Montgomery, and Tuscaloosa, Ala., Fort Lauderdale, Jacksonville, Miami, Orlando, Pensacola, St. Petersburg, Tampa, and West Palm Beach, Fla., Athens, Atlanta, Augusta, Columbus, Dalton, Macon, Moultrie, Rome, Savannah, Statesboro, Thomasville, Tifton, and Valdosta, Ga., Charleston, Clemson, Columbia, Florence, Greenville, and Sumter, S.C., Asheville, Charlotte, Durham, Fayetteville, Greensboro, High Point, Jacksonville, Monroe, New Bern, Raleigh, and Winston Salem, N.C., Athens, Chattanooga, Johnson City, Knoxville, and Nashville, Tenn., Norfolk, Richmond, Roanoke, Salem, and Williamsburg, Va., for 180 days. Supporting shipper: Bama Pie Co., Inc., 2745 East 11th Street, Tulsa, Okla. 74104. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 109382 (Sub-No. 15 TA), filed April 6, 1967. Applicant: JONAS P. DONMOYER, INC., Ono, Pa. 17077. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Expanded shale*, in bulk, from Pier 11, Weehawken, N.J., to the plant of H. E. Millard Lime & Stone Co., Lebanon, Pa., for 150 days. Supporting shipper: H. E. Millard Lime & Stone Co., Anville, Pa. 17003. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 113362 (Sub-No. 133 TA), filed April 7, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Millwork, hardwood furniture, and hardwood furniture parts*, (1) from plantsite of Davidson-McNair Co., at or near Oil City, Pa., to points in Missouri and Michigan, and (2) from plantsite of Davidson-McNair Co. at or near Peninsula, Ohio, to points in Missouri, Michigan, Arkansas, Illinois, Indiana, Wisconsin, Minnesota, Iowa, and Kentucky, for 180 days. Supporting shipper: Davidson-McNair Co., Frances Davidson, general manager and Fred McNair, general manager, Peninsula, Ohio. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 115620 (Sub-No. 3 TA), filed April 7, 1967. Applicant: LYNN PORTER, 120 West Third North, Preston, Idaho 83263. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete buildings*, except in sections or knocked down, from points in Idaho to points in Montana and Oregon, for 180 days. Supporting shipper: Boise Cascade Corp., Post Office Box 7747, Boise, Idaho 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 203 Eastman Building, Boise, Idaho 83702.

No. MC 119767 (Sub-No. 194 TA), filed April 7, 1967. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from New Albany, Ind., to Chicago, Ill., and to points in Illinois within 50 miles of Chicago, for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 222, Minneapolis, Minn. 55448, E. P. Sweet, division traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53202.

No. MC 119777 (Sub-No. 75 TA), filed April 7, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, Madisonville, Ky. 42431. Applicant's representative: Fred F. Brad-

ley, Suite 202-204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard, faced or finished with decorative or protective materials and accessories and supplies used in the installation thereof* when moving with shipments of such wood fiberboard, from the plantsite of Prestile Manufacturing Co., 5850 West Ogden, Chicago, Ill., and the plantsite of American Gyrotex, 3636 Carnation Road, Franklin Park, Ill., to points in that part of Alabama on and south of U.S. Highway 80, points in Arkansas, Delaware, District of Columbia, Florida, Kansas, Louisiana, Maryland, Mississippi, Missouri, except for St. Louis and its commercial zone, and points on U.S. Highway 61 between St. Louis, and Iowa, Oklahoma, that part of Pennsylvania on and east of U.S. Highway 19 and south of U.S. Highway 6, Texas, and West Virginia, for 180 days. Supporting shipper: Mr. Earl M. Spiro, president, American Gyrotex, 3636 Carnation Road, Franklin Park, Ill. 60131, and Mr. Walter Sawicki, traffic manager, Prestile Manufacturing Co., 5850 West Ogden, Chicago, Ill. 60650. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124027 (Sub-No. 3 TA), filed April 7, 1967. Applicant: MIDWEST BULK, INCORPORATED, Route No. 1, Post Office Box 472, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, between Berlin, Larson, and Green Lake, Wis., and points within 10 miles of each, on the one hand, and, on the other, Aurora, Ill., and points in the Upper Peninsula of Michigan, and (2) *coated sand*, in bulk, between Aurora, Ill., on the one hand, and, on the other, points in Wisconsin and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Valley Foundry & Supply Co., 1818 Arizona Street, Oshkosh, Wis. 54901. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128750 (Sub-No. 2 TA), filed April 3, 1967. Applicant: PITT TRUCK, INC., Post Office Box 172, Augusta, Ill. 62311. Applicant's representative: Oscar Rampley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: The Borden Chemical Co., Smith-Douglass Division, Post Office Box

419, Norfolk, Va. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128813 (Sub-No. 1 TA), filed April 3, 1967. Applicant: E. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filing systems and components thereof, wood waste products to include sawdust, shavings, wood waste soil conditioners, manufactured fireplace logs, sweeping compounds, janitorial supplies to include cleaners, cleaning compounds, protective floor finishes, disinfectants, towels, tissue, and floor wax*, from Salt Lake City, Utah, to points in Arizona, Colorado, New Mexico, Utah, Wyoming, California, Nevada, Idaho, Montana, Oregon, and Washington, and *materials and supplies* used in the manufacture of the commodities set forth above, from points in Arizona, California, New Mexico, Oregon, Colorado, Utah, Wyoming, Nevada, Idaho, Montana, and Washington, to Salt Lake City, Utah, for 180 days. Supporting shipper: Business Controls, Inc., 621 Fulton, Salt Lake City, Utah 84104. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 128968 TA (Correction), filed March 29, 1967, published FEDERAL REGISTER, issue of April 8, 1967, and republished as corrected, this issue. Applicant: CLARENCE L. WICKLIFF, LESLIE D. WICKLIFF, AND KAREN S. WICKLIFF, a partnership, doing business as WICKLIFF & SON, 516 East 12th Street South, Newton, Iowa 50208. Applicant's representative: Richard Miller, 212 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm implements and attachments and electrical generators and attachments*, from Newton, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michi-

gan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; (2) *parts, raw materials, electrical equipment for the manufacture of, and excess, damaged farm implements and attachments and electrical generators, and attachments*, from the above-destination States to Newton, Iowa, for 180 days. Supporting shipper: Winpower Manufacturing Co., 1207 First Avenue East, Newton, Iowa 50208. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309. Note: The purpose of this republication is to show the third partner "Karen S. Wickliff", erroneously omitted in previous publication.

No. MC 128973 (Sub-No. 1 TA), filed April 4, 1967. Applicant: MAURICE FREDERICK YANEY, 750 Richmond Street, Winchester, Ind. 47394. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal caskets*, from Carlos Ind., to points in Indiana, Ohio, Michigan, Wisconsin, Iowa, Illinois, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Minnesota, Arkansas, Missouri, Kansas, Texas, Oklahoma, Pennsylvania, Alabama, Mississippi, Florida, New York, and Louisiana, and *returned or rejected metal caskets*, from points in destination States to Carlos, Ind., for 180 days. Supporting shipper: Carlos Casket Shells, Inc., Carlos, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 128990 TA, filed April 6, 1967. Applicant: LLOYD McVEY, doing business as McVEY TRUCKING, R.F.D. No. 1, Oakwood, Ill. 61858. Applicant's representative: John P. Meyer, Suite 500, 4 North Vermillion Street, Danville, Ill. 61832. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and building blocks*, from Danville, Ill., to points in Indiana, for 90 days. Supporting shipper: Western Brick Co., Division of Illinois Brick Co., Post Office Box 591, Danville, Ind. Send protests to: Roger

L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1085 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604.

No. MC 128991 TA, filed April 6, 1967. Applicant: VICTOR VALLEY VAN & STORAGE CO., INC., 14749 Hesperia Road, Victorville, Calif. 92392. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Used household goods moving on a through bill of lading of a forwarder operating under the section 402(B)(2) exemption, such shipments having an immediately prior or subsequent line haul movement by rail, water, motor, or air, between points within a 70-mile radius of Victorville, Calif., for 180 days. Supporting shippers: Home-Pack Transport, Inc., 57-48 49th Street, Maspeth 78, N.Y.; Sunpac International, 1621 Queen Anne Avenue North, Seattle, Wash. 98109. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128992 TA, filed April 6, 1967. Applicant: J. C. SMITH & SONS, INC., 1205 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: J. David Sullivan, 704 North State Street, Alma, Mich. 48801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe, plain galvanized, or asphalt coated, and fittings and accessories*, from Alma, Mich., to points in Ohio north of U.S. Highway 36, with return of *rejected, refused, or damaged products*, for 180 days. Supporting shipper: Charles W. Hall, Manager, Planning and Research, Transportation Department, Armco Steel Corp., Middletown, Ohio. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4173: Filed, Apr. 14, 1967;
8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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 April.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATION:		1430	5767	PROPOSED RULES—Continued	
3279 (modified by Proc. 3779)	5919	1481	5462	1108	5695
3290 (see Proc. 3779)	5919	PROPOSED RULES:		1120	5695
3328 (see Proc. 3779)	5919	27	6035	1125	5696, 5838
3386 (see Proc. 3779)	5919	28	6035	1126	5695
3389 (see Proc. 3779)	5919	301	5807	1127	5695
3509 (see Proc. 3779)	5919	319	5807	1128	5695, 5696
3531 (see Proc. 3779)	5919	320	5555	1129	5695
3541 (see Proc. 3779)	5919	908	5628	1130	5695
3693 (see Proc. 3779)	5919	958	5629	1131	5696
3773	5491	989	5690	1132	5695
3774	5539	991	5838	1133	5640, 5696
3775	5761	992	5514	1134	5696
3776	5763	993	5556	1136	5696
3777	5915	1001	5694	1137	5640, 5696
3778	5917	1002	5694	1138	5695
3779	5919	1003	5694	1205	5696
EXECUTIVE ORDER:		1004	5694, 5876	8 CFR	
Dec. 19, 1910 (revoked in part by PLO 4182)	5836	1005	5695	242	5619
5384 (revoked by PLO 4188)	5837	1008	5695	336	5619
6783 (superseded by EO 11342)	5827	1009	5695	9 CFR	
7921 (superseded by EO 11342)	5827	1011	5695	97	6021
9213 (superseded by EO 11342)	5827	1012	5472	340	6021
9741 (superseded by EO 11342)	5827	1013	5472	10 CFR	
9890 (superseded by EO 11342)	5827	1015	5694	PROPOSED RULES:	
10134 (superseded by EO 11342)	5827	1016	5694	50	5562
10541 (superseded by EO 11342)	5827	1030	6035	115	5562
10589 (superseded by EO 11342)	5827	1031	5695, 6035	12 CFR	
10767 (superseded by EO 11342)	5827	1032	5695	14	6022
11031 (superseded by EO 11342)	5827	1033	5695	531	5830
11340	5453	1034	5695	640	5543
11341	5765	1035	5695	PROPOSED RULES:	
11342	5827	1036	5695	218	5849
5 CFR		1038	5695, 6035	562	5999
213	5455, 5671, 5768	1039	5695, 6035	13 CFR	
511	5455	1040	5695	106	5672
534	5455	1041	5695	119	5988
550	5768	1043	5695	121	5495, 5620
7 CFR		1044	5695, 6035	PROPOSED RULES:	
1	5458	1045	5695, 6035	121	5616
17	5977	1046	5695	14 CFR	
29	5979	1047	5695	Ch. I	5769
52	5979	1048	5695	11	5770
354	6019	1049	5695	23	5984
701	5619	1050	5695	39	5463,
718	5493	1051	5695, 6035		5464, 5496, 5543-5545, 5676, 5731,
722	5671	1060	5696		5771, 5830, 5921, 5984, 5985, 6022
751	5767	1062	5695		5770, 5985
862	5458	1063	5695		5770
907	5461, 5729, 6019	1064	5695		5465,
908	5461, 5619, 5729, 5829, 6019	1065	5629, 5696		5497, 5677, 5732, 5768, 5769, 5831,
910	5494, 5495, 5730, 5829, 6020	1066	5629, 5696		5988, 6022.
911	5730	1067	5695		
912	5462, 5730, 6020	1068	5695		5497, 5545, 5546
917	5543	1069	5696		5831, 5988
944	5731	1070	5695		5678, 5980
989	5921	1071	5695		5985
1421	5462, 5767, 5829, 6021	1073	5638, 5696		5770
1427	5462, 5671	1075	5696		5465,
		1076	5638, 5696		5732
		1078	5695		5698, 5791
		1079	5639, 5695		5788
		1090	5695		5808, 5939, 5996
		1094	5694		
		1096	5694, 6054		
		1097	5695		
		1098	5695		
		1099	5695		
		1101	5695		
		1102	5695		
		1103	5694		
		1104	5695		
		1106	5695		

14 CFR—Continued

PROPOSED RULES:		
45	5997	
61	5740	
71	5472,	
	5473, 5706, 5997, 5998, 6060, 6061	
75	5473, 5706	
91	5559	
243	5562	
288	5564	
399	5564, 5642	

15 CFR

201	5547
-----	------

16 CFR

13	5734, 5735, 5990, 5991
15	5620, 6023
301	6023

17 CFR

PROPOSED RULES:	
240	5808
249	5808

18 CFR

1	5771
2	5990
157	5990

PROPOSED RULES:

702	5939
-----	------

21 CFR

18	6024
19	6024
20	6024
25	6024
31	5922, 6024
45	5922
80	5736
120	5547, 5772
121	5455,
	5547, 5548, 5674, 5675, 5772, 5773,
	5922,
148w	5774
191	5456

PROPOSED RULES:

3	5560
120	6059
131	5560
166	5933
191	5561, 5562

22 CFR

41	5620
126	5456

23 CFR

215	5832
255	5498, 5499

24 CFR

200	5681
-----	------

25 CFR

41	5621
221	5621

PROPOSED RULES:

161	5512
-----	------

26 CFR

1	5923
49	5457

PROPOSED RULES:

1	5993
601	5838

29 CFR

4	5775
526	5775
601	5465
602	5465
603	5466
604	5466
606	5466, 5979
609	5466
610	5466
611	5466
612	5467, 5979
613	5467
614	5467
615	5467
616	5467
619	5467
657	5467
661	5468
670	5468
671	5468
672	5468
673	5468, 5979
675	5469
677	5469
678	5469
683	5469
687	5469
688	5470
690	5470
699	5470
720	5470
726	5505
727	5831
800	5737
1500	6024, 6025

PROPOSED RULES:

526	5788
1500	6057
1504	6058
1604	5999

31 CFR

500	5833
-----	------

32 CFR

1	5505
2	5506
3	5506
6	5508
7	5508
10	5509
12	5509
15	5510
18	5511
151	5682
288	6025
289	6025
713	6028
803	6032
823	6032
888a	5778
1001	5781
1002	5782
1003	5782
1004	5786
1006	5787
1007	5787
1053	5787
1055	5787
1453	5457
1498	5457

32A CFR

OEP (Ch. I):	
DMO 8540.2	6032
NSA (Ch. XVIII):	
INS-1	5621

33 CFR

203	5834
204	5834
207	5685
208	5834

36 CFR

7	5771
---	------

38 CFR

21	5549
----	------

39 CFR

122	5686
127	5737
143	5686
148	5686
149	5686

41 CFR

1-3	5622
1-6	5622
8-1	5549
9-1	5737
50-204	5835
101-32	5687

PROPOSED RULES:

50-204	5848
--------	------

42 CFR

54	5676
----	------

PROPOSED RULES:

81	5514
----	------

43 CFR

2240	5689
------	------

PUBLIC LAND ORDERS:

4179	5835
4180	5836
4181	5836
4182	5836
4183	5836
4184	5837
4185	5837
4186	5837
4187	5837
4188	5837

45 CFR

114	5549
801	5470, 5554

46 CFR

160	5499
510	5457
513	5503
540	5457

PROPOSED RULES:

512	5516
-----	------

47 CFR

74	5554
----	------

PROPOSED RULES:

73	5564, 5566, 5642, 5740
----	------------------------

49 CFR

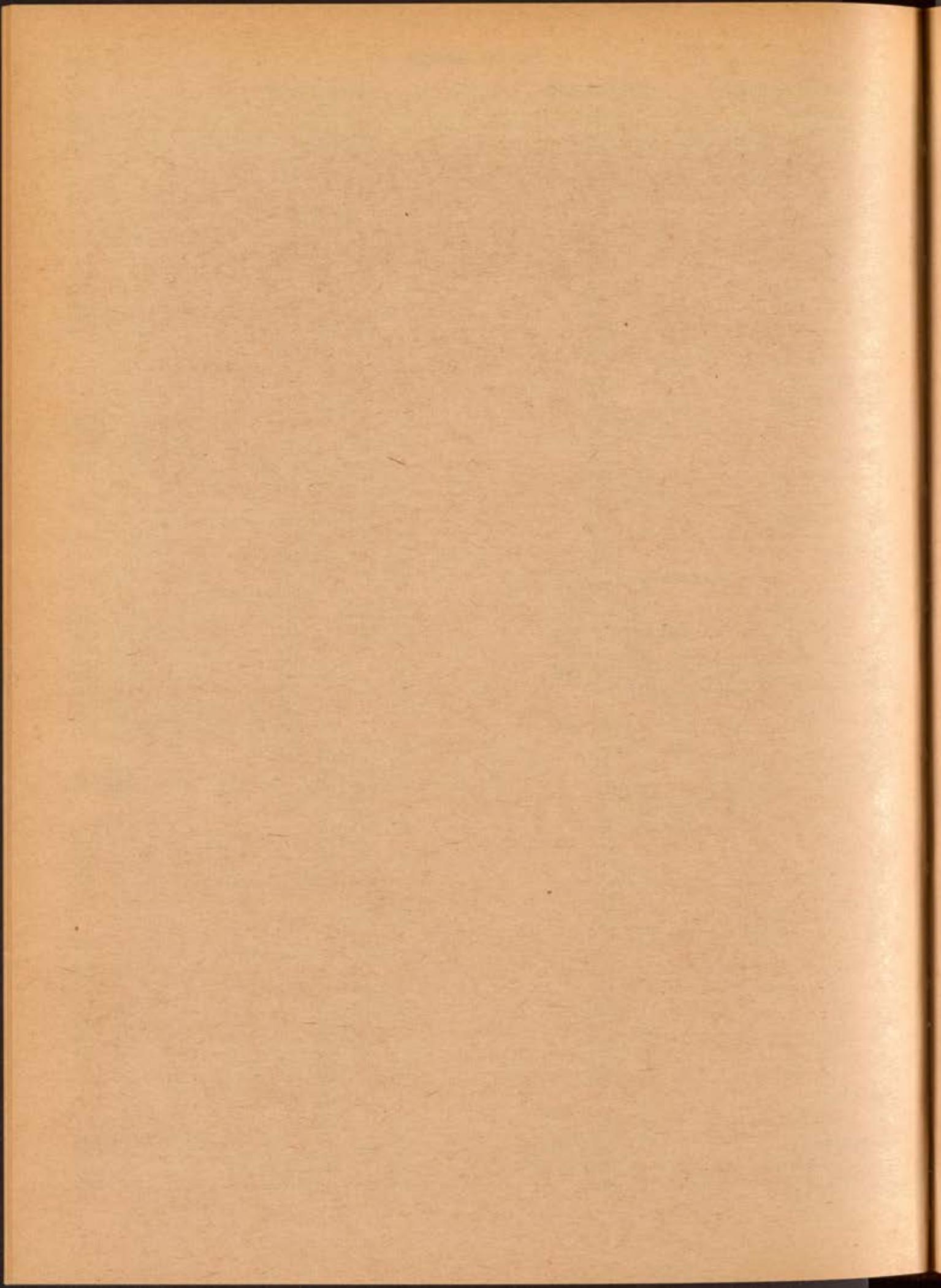
1	5606
173	5609
195	5931, 6033
197	5931
235	5624
293	5625

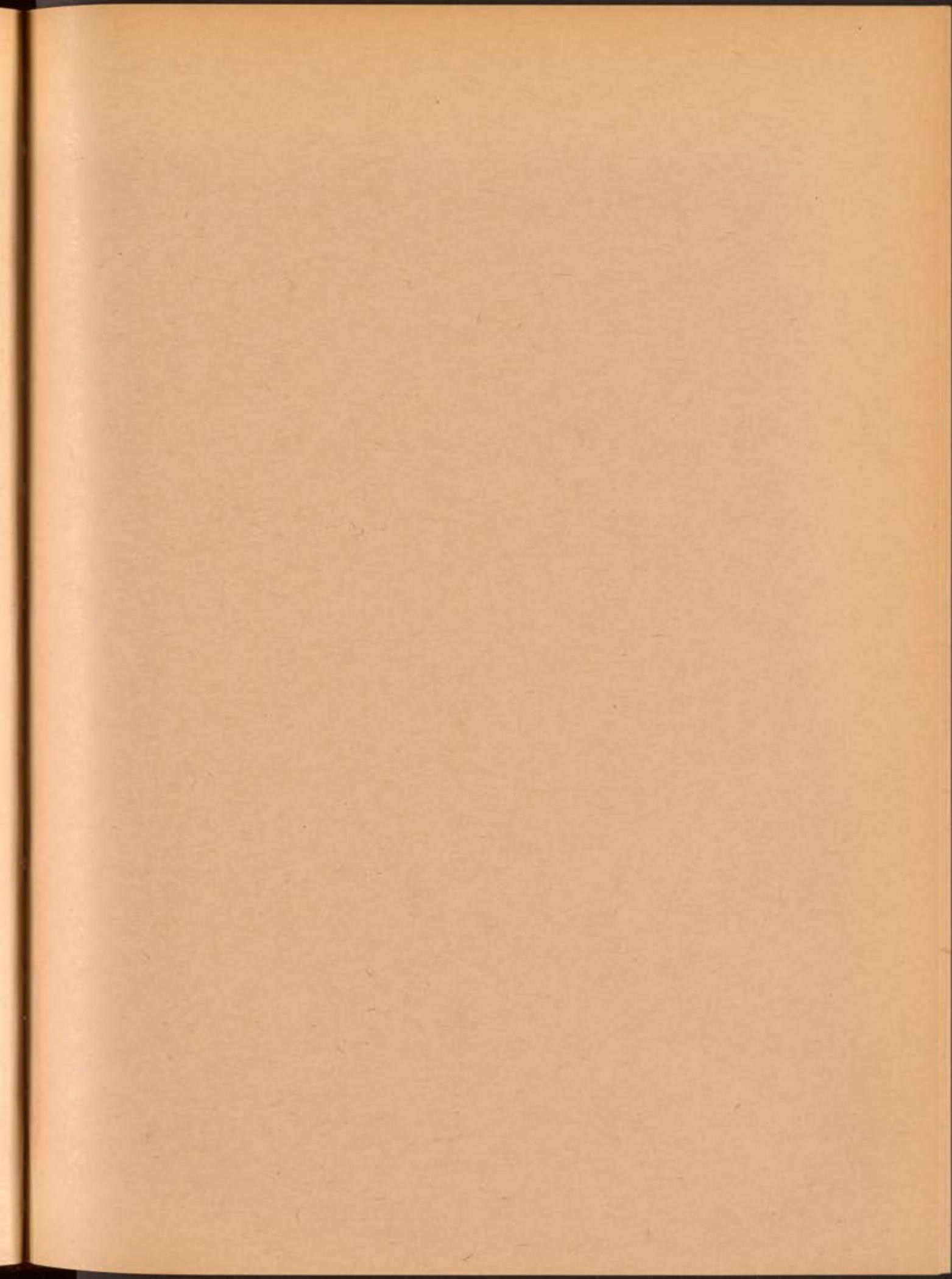
50 CFR

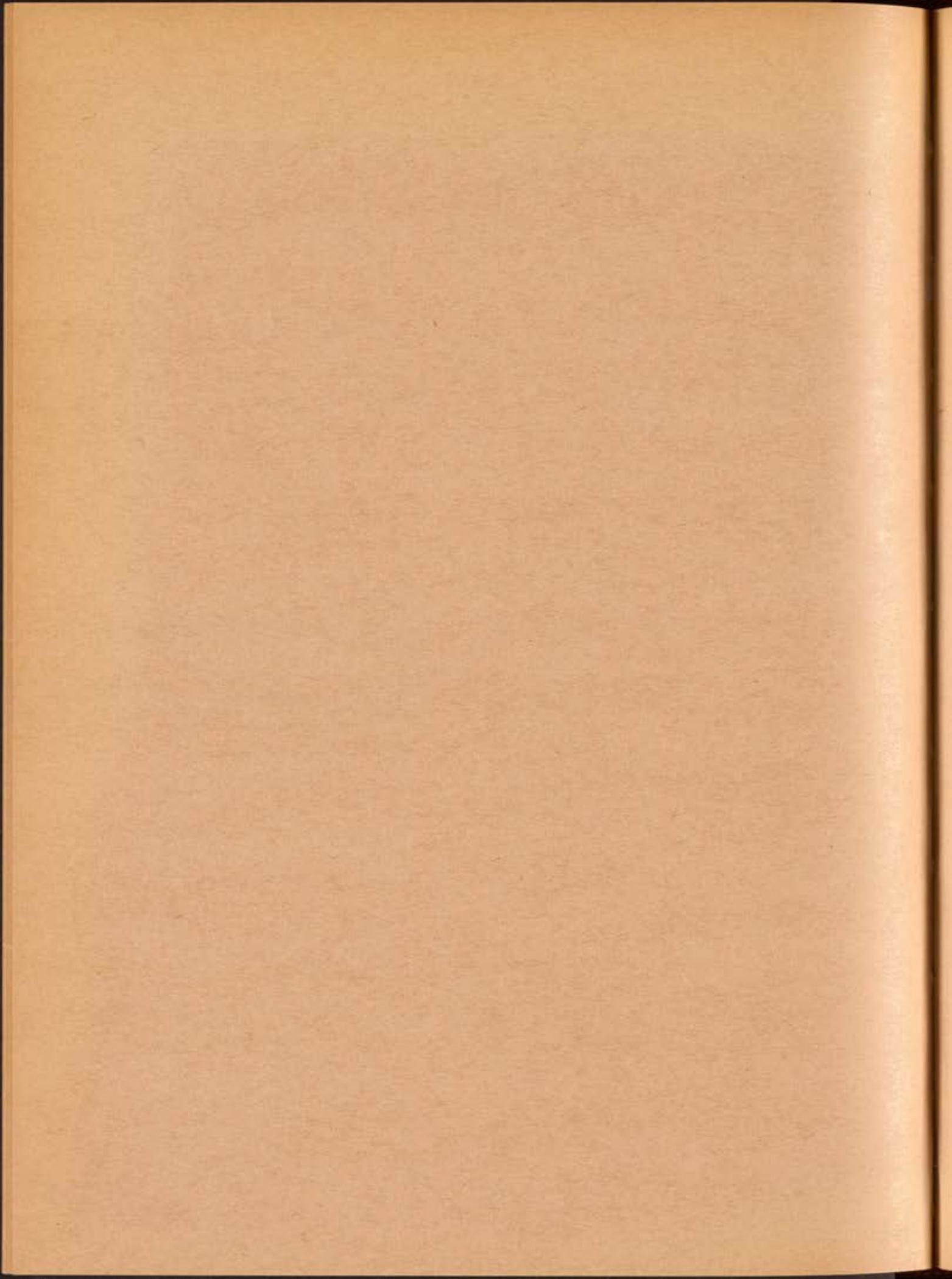
33	5626,
	5627, 5689, 5738, 5739, 5835,
60	6034
	5787

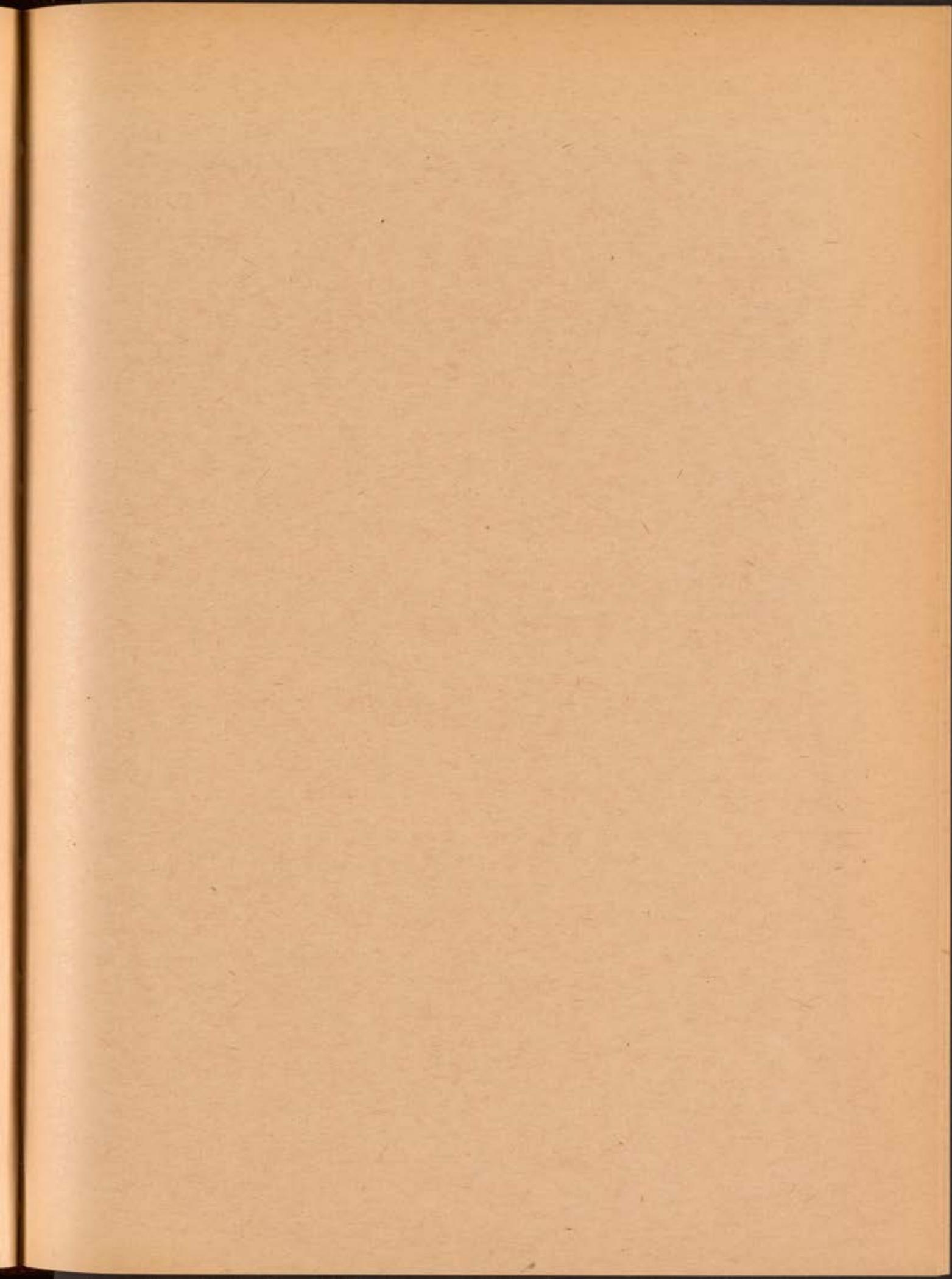
PROPOSED RULES:

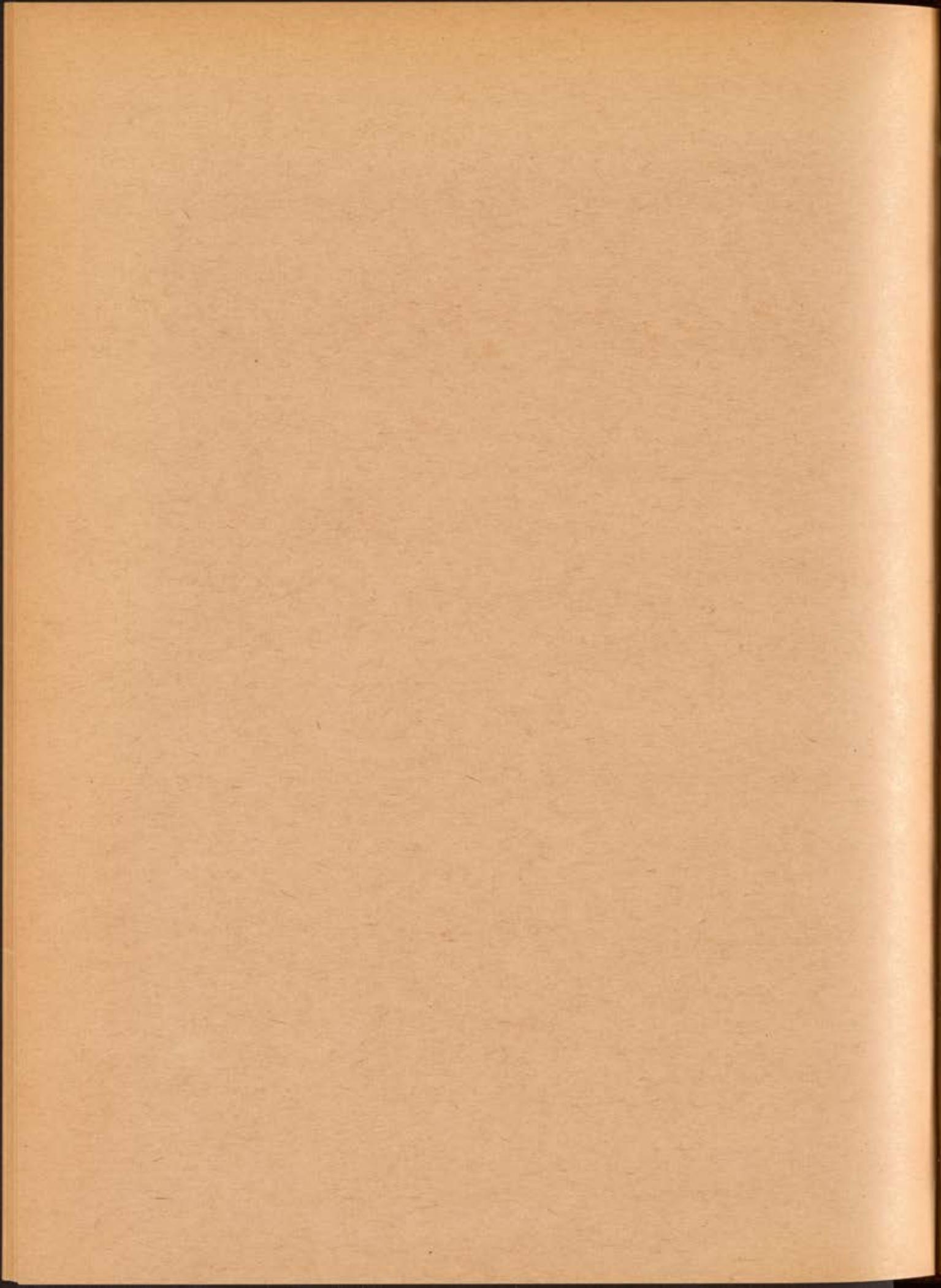
10	5628
----	------

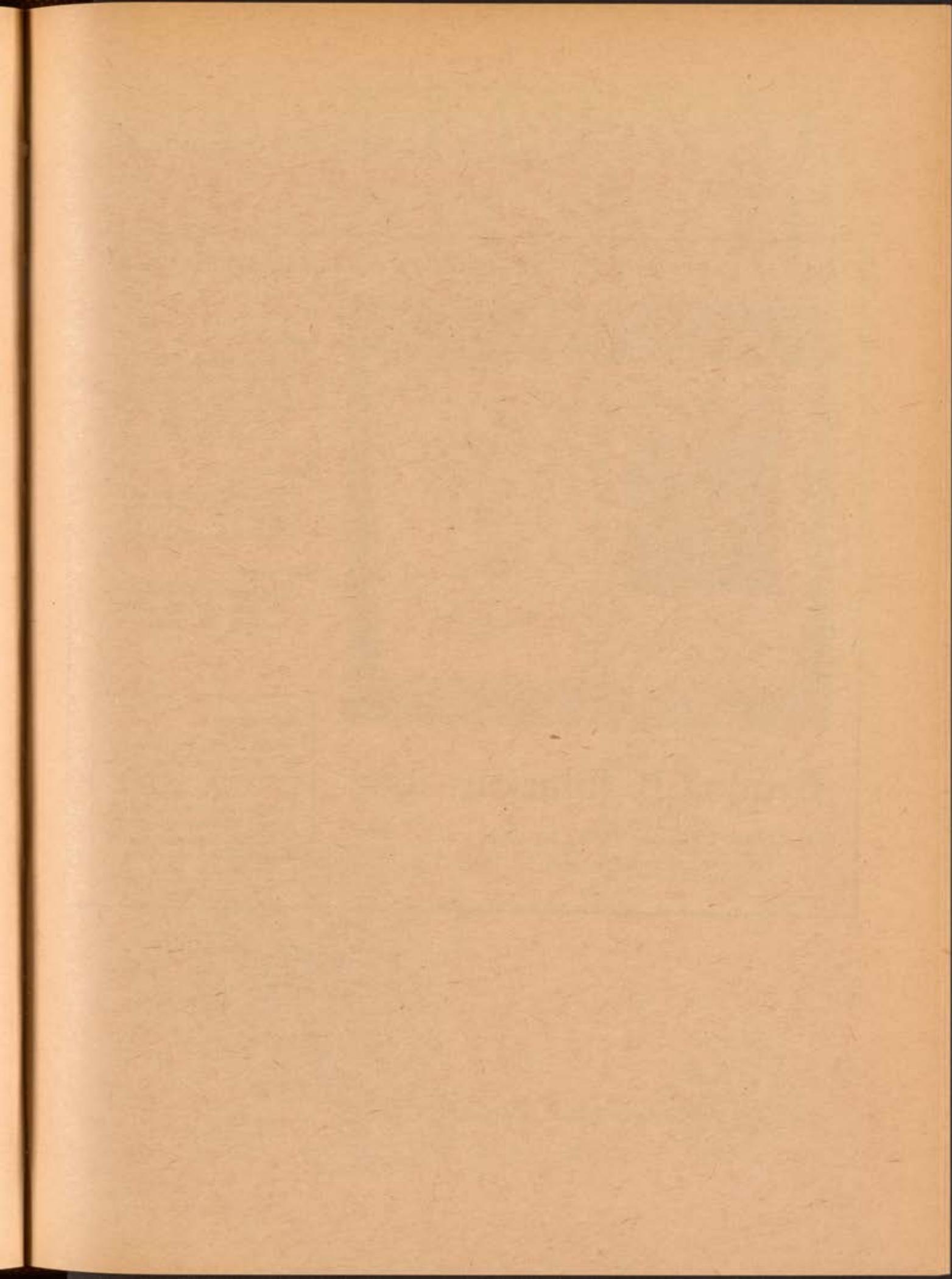




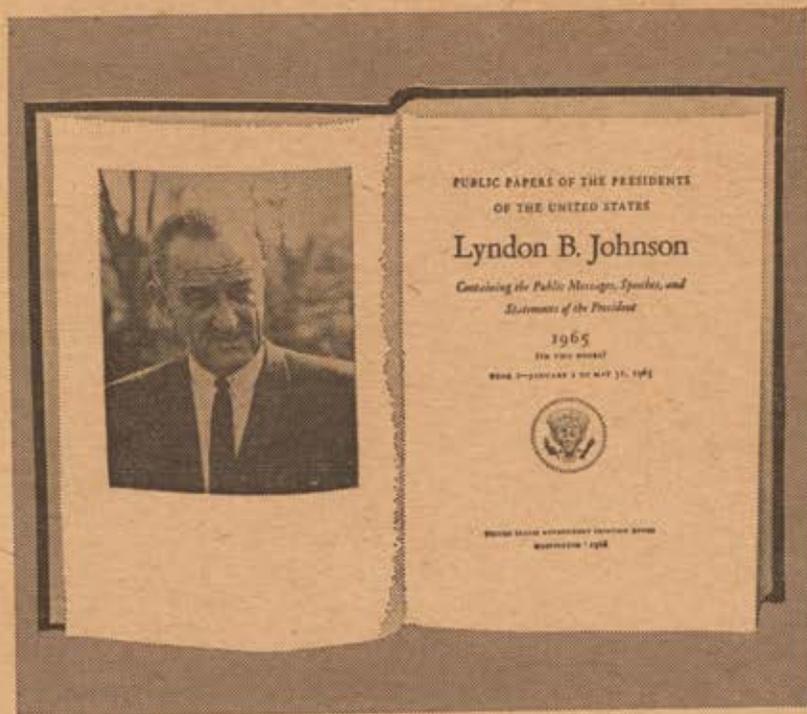








PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES



Lyndon B. Johnson—1965

BOOK I (January 1–May 31, 1965)

BOOK II (June 1–December 31, 1965)

PRICE
\$6.25
EACH

CONTENTS

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

PUBLISHED BY

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

ORDER FROM

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

PRIOR VOLUMES

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, and the first full year of President Johnson are available at comparable prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.