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- Civil Aeronautics Board
- Civil Service Commission
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PART 213—EXCEPTED SERVICE

Department of Transportation; Correction

In F.R. Doc. 67-9099 appearing in the issue for August 4, 1967, at page 11313, subparagraph (8) was added to paragraph (a) of § 213.3394. It should have read subparagraph (9) was added to paragraph (a) of § 213.3394.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9406; Filed, Aug. 9, 1967; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

AUTHORITY

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby amended as provided herein.

Delete "Authority: The provisions of this Part 601 issued under sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148 as amended; 16 U.S.C. 590g-590q. Other statutory provisions interpreted or applied are cited to text" and substitute in lieu thereof the following:

AUTHORITY: The provisions of this Part 601 issued under sec. 4, 49 Stat. 164, as amended, 16 U.S.C. 590d. Interpret or apply sec. 16(b), 70 Stat. 1115, 16 U.S.C. 590p(b). Other statutory provisions interpreted or applied are cited to text.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d)

Done at Washington, D.C., this 7th day of August 1967.

[SEAL] HOWARD BERTSCH,
Acting Assistant Secretary.

[F.R. Doc. 67-9399; Filed, Aug. 9, 1967; 8:50 a.m.]

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

CONSERVATION MATERIALS OR SERVICES

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein:

Section 601.13 *Conservation materials or services* is amended by deleting paragraphs (b) and (e) in their entirety.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d)

Done at Washington, D.C., this 7th day of August 1967.

NORMAN M. CLAPP,
Acting Assistant Secretary.

[F.R. Doc. 67-9374; Filed, Aug. 9, 1967; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 2]

PART 792—CONSERVING BASE AND DESIGNATED DIVERTED ACREAGE

Miscellaneous Amendments

The regulations governing conserving base and designated diverted acreage are amended as follows:

1. Section 792.2 is amended by changing paragraph (b)(4), and by adding paragraph (c)(7), to read as follows:

§ 792.2 Farm conserving base.

* * * * *

(b) *Maintaining the conserving base.* * * *

(4) Plantings for wildlife food plots or wildlife habitat. Barley, corn, grain sorghums, oats, rice, rye, soybeans, and wheat will qualify if the area and crop are designated by the operator and approved by the county committee in writing before planting and no grazing or harvesting other than wildlife is permitted.

* * * * *

(c) *Additional provisions relating to the conserving base.* * * *

(7) Acreage not planted because of natural disaster which is deemed to be devoted to cotton, wheat, or feed grains under the provisions of the programs for those commodities shall not be considered as being devoted to a conserving use.

2. Section 792.3 is amended by adding subparagraphs (5), (6), and (7) to paragraph (a) and by adding a new suoparagraph (13) to paragraph (b), to read as follows:

§ 792.3 Designation, use, and care of diverted acreage under the feed grain, upland cotton, wheat diversion, and wheat certificate programs; approved conservation uses.

(a) *Cropland eligible for designation.* * * *

(5) Land on farms which have an old farm cotton allotment. Such acreage shall be eligible only to the extent necessary to enable the producers on the farm to participate in the upland cotton program after all other acreage eligible under this paragraph is designated.

(6) Devoted to a conserving use under an existing GPCP or ALSCP contract provided such land was intensively cultivated during at least one of the four years prior to establishment of the conserving use.

(7) Land on which cotton or feed grains was planted but failed and which was classified as cotton acreage or feed grain acreage for purposes of price support payments: *Provided:* (i) The cotton or feed grain was planted in a workmanlike manner, (ii) the residue of a chemical used as a weed control makes it impracticable to devote the land to a subsequent crop for harvest in the current year, (iii) the farm operator requests that the land be classified as cotton or feed grain acreage for purposes of price support payments and as diverted acreage, and (iv) the land is treated throughout the remainder of the current year in a manner acceptable for diverted acreage in the area.

(b) *Cropland not eligible for designation.* * * *

(13) Land which is substantially less productive than the land normally devoted to the crop being diverted.

* * * * *

(Titles III, IV, V, and VI of the Food and Agriculture Act of 1965, 79 Stat. 1187)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9395; Filed, Aug. 9, 1967; 8:50 a.m.]

PART 793—RULE OF FRACTIONS

Sec.
793.1 Applicability.
793.2 Basic rule of fractions.
793.3 Payments to producers.

AUTHORITY: The provisions of this Part 793 issued under sec. 4, 49 Stat. 164, 16 U.S.C. 590d; sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p (i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note; sec. 602(q), 79 Stat. 1210, 7 U.S.C. 1838(q); sec. 124, 70 Stat. 198, 7 U.S.C. 1812; sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 379j, 76 Stat. 630, 7 U.S.C. 1379j; sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d); sec. 203(g), 79 Stat. 13, 40 U.S.C. App. A; secs. 4 and 5, 62 Stat. 1070, 15 U.S.C. 714 b and c; sec. 401, 63 Stat. 1054, 7 U.S.C. 1421; sec. 706, 68 Stat. 912, 7 U.S.C. 1785; sec. 403, 61 Stat. 932, 7 U.S.C. 1153.

§ 793.1 Applicability.

This part is applicable to the acreage allotment and marketing quota programs and to all other programs set forth in this Title 7 administered by the Agricultural Stabilization and Conservation Service under which price support is extended or payments are made to farmers, except that it does not apply to the pricing and sales of agricultural commodities and it does not apply to the determination of acreage when a different rule is specifically provided in Part 718 of this chapter.

§ 793.2 Basic rule of fractions.

In making mathematical determinations, all computations shall be carried to two decimal places beyond the required number of decimal places as specified in the regulations governing each program. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if the digits beyond the required number of decimal places are 51 or more, the figure at the last required decimal place shall be increased by "1" as follows:

Required Decimal	Computation	Result
Whole numbers	6.50 (or less)	6
	6.51 (or more)	7
Tenths	7.650 (or less)	7.6
	7.651 (or more)	7.7
Hundredths	8.8450 (or less)	8.84
	8.8451 (or more)	8.85
Thousandths	9.63450 (or less)	9.634
	9.63451 (or more)	9.635
Ten thousandths	10.993150 (or less)	10.9931
	10.993151 (or more)	10.9932

§ 793.3 Payments to producers.

Notwithstanding any other provision of this part, if due to the rounding of fractions the sum of the payments or wheat marketing certificates distributed among producers does not equal the total amount earned under the program, the payments or certificates shall be adjusted in order that the sum thereof will equal such total amount.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9396; Filed, Aug. 9, 1967; 8:50 a.m.]

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

[Plum Reg. 2, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in 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 of the Plum Commodity Committee, and upon other available information, it is hereby found that the limitation of shipments of Queen Ann variety of plums, in the manner herein 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of Queen Ann variety of plums.

It is, therefore, ordered that the provisions of paragraph (a) (1) of § 917.390 (Plum Reg. 2, 32 F.R. 7741) are hereby amended to read as follows:

§ 917.390 Plum Regulation 2.

(a) *Order.* (1) During the period August 5, 1967, through October 31, 1967, no handler shall ship any lot of packages or containers of any variety of plums unless such plums grade at least U.S. No. 1: *Provided,* That plums of the Queen Ann variety may be shipped if they are damaged but not seriously damaged by internal discoloration or dryness.

* * * * *

The provisions of this amendment shall become effective August 5, 1967.

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

Dated: August 4, 1967.

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

[F.R. Doc. 67-9371; Filed, Aug. 9, 1967; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on July 14, 1967 (32 F.R. 10370) pursuant to section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) and in which there was set out proposed amendments to chapter I of Title 8 of the Code of Federal Regulations pertaining to miscellaneous amendments to Parts 211, 212, 214, 241, and 292. No representations were received. The rules as set out below are adopted.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.1 [Amended]

The third sentence of subparagraph (1) *Form I-151, Alien registration receipt card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended to read as follows: "An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may, in lieu of an immigrant visa, present Form I-151, duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

Subparagraph (5) of paragraph (b) *Aliens not required to obtain labor certifications* of § 212.8 *Certification requirement of section 212(a)(14)* is amended to read as follows: "(5) an alien who establishes satisfactorily that he has been accepted by an institution of learning in the United States for a full course of study of at least two full consecutive academic years and that he has sufficient financial resources to support himself and will not seek employment during that period. If it will be necessary for the spouse of such a student to accept employment in the United States, the spouse must obtain a labor certification notwithstanding the provisions of item (2) of this paragraph."

PART 214—NONIMMIGRANT CLASSES

§ 214.3 [Amended]

The sixth sentence of paragraph (b) *Supporting documents* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof, or by a school listed in the current U.S. Office of Education publication, 'Accredited Higher Institutions' or 'Education Directory, Part 3, Higher Education,' or by a secondary school operated by or as part of a school so listed, a school catalogue, if one is issued, shall also be submitted with each petition."

PART 241—JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION

Section 241.1 is amended to read as follows:

§ 241.1 Notice; recommendation.

For the purposes of clause 2 of section 241(b) of the Act, notice to the district director having administrative jurisdiction over the place in which the court imposing sentence is located shall be regarded as notice to the Service. The notice shall be transmitted to the district director by the court, a court official, or by counsel for the prosecution or the defense, at least 5 days prior to the court hearing on whether a recommendation against deportation shall be made. If less than 5 days' notice is received and sufficient time remains to prepare proper representations, due notice shall be regarded as having been made. When less than 5 days' notice is received and sufficient time is not available to prepare proper representations, but the 30-day statutory period will expire before proper representations can be prepared, an objection shall be interposed to the recommendation against deportation on the ground that due notice was not received. If the notice is received after the running of the 30-day statutory period, it shall be regarded as an invalid notice and whatever Service proceedings are warranted shall be instituted irrespective of the recommendation against deportation. The district director, or an official acting for him, in presenting representations to the court, shall advise the court the effect a favorable recommendation would have upon the alien's present and prospective deportability. A recommendation against deportation by the sentencing court made to the district director receiving the notice shall be regarded as made to the Attorney General.

PART 292—REPRESENTATION AND APPEARANCES

§ 292.5 [Amended]

The last sentence of paragraph (a) *Representative capacity* of § 292.5 *Service upon and action by attorney or representative of record* is amended to read as follows: "Except where otherwise specifically provided in this chapter, whenever a notice, decision, or other paper is required to be given or served, it shall be done by personal service or by first class, certified, or registered mail upon the attorney or representative of record or upon the person himself if unrepresented."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to delayed effective date is unnecessary because the amendment to § 211.1(b)(1) confers benefits upon persons affected thereby; the amendment to § 212.8(b)(5) is clarifying in nature; the amendment to § 214.3(b) relieves restrictions; and the amendments to § 241.1 and § 292.5(a) relate to agency procedure, and the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: August 4, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-9345; Filed, Aug. 9, 1967; 8:46 a.m.]

U.S. CITIZEN PASSENGERS

Manifest Waiver

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

1. Paragraphs (a) and (b) of § 231.1 are amended to read as follows:

§ 231.1 Arrival manifests for passengers.

(a) *Vessels.* The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a voyage originating in that country, must present a manifest of all alien passengers on board to the immigration officer at the first port of arrival. For vessels that are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I-94) prepared for and presented by each alien passenger. In addition, a properly completed Form I-92 (Aircraft/Vessel Report) recording the total number of passengers (including U.S. citizens) that embarked at each port en route to the United States shall be presented by the master to the immigrant inspector at the first port of arrival in the United States. For vessels that are not given such advance permission the manifest shall be submitted on a Form I-418, executed in accordance with the instructions on the reverse thereof, with a completely executed set of Forms I-94 prepared for and presented by each alien passenger except an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda.

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a flight originating in that country, must present a manifest in the form of a separate arrival-departure card (Form I-94) prepared for and presented by each alien passenger on board. In addition, a properly completed Form I-92 (Aircraft/Vessel Report) recording the total number of passengers (including U.S. citizens) that embarked at each port en route to the United States shall be presented by the captain to the immigrant inspector at the first port of arrival in the United States. An arrival-departure card is not required for an arriving, through-flight passenger at a U.S. port from which he will depart directly to a foreign place or an outlying possession of the United States on the same flight, provided the number of such through-flight passengers is noted on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration and such passengers remain during the ground time in a separate area under the direction and control of the Service.

* * * * *

2. The second sentence of paragraph (d) *Preparation of Arrival-Departure Card, Form I-94* of § 231.1 *Arrival manifests for passengers* is amended to read as follows: "For an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda, only the first four lines of the Form I-94 shall be completed."

3. Paragraphs (a) and (b) of § 231.2 are amended to read as follows:

§ 231.2 Departure manifests for passengers.

(a) *Vessels.* The master or agent of every vessel departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a voyage terminating in that country, must present a manifest of all alien passengers on board to the immigration officer at the port of departure. For vessels that are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I-94) for each alien passenger. In addition, a properly completed Form I-92 (Aircraft/Vessel Report) setting forth each port of disembarkation and the number of passengers (including U.S. citizens) destined thereto shall be submitted by the carrier to the immigration officer at the last port of departure in the United States. For vessels that are not given such advance permission, the manifest shall be submitted on a Form I-418, executed in accordance with the instructions on the

reverse thereof, with a fully executed Form I-94 for each alien passenger except an alien permanent resident of the United States, a Canadian citizen, or a British subject residing in Canada or Bermuda. For departing alien nonimmigrants the Form I-94 given the alien at the time of his last admission to the United States should be utilized. Any alien registration receipt card on Form I-151 surrendered pursuant to Part 264 of this chapter shall be attached to the manifest. The presentation of the departure manifest on vessels making regularly scheduled voyages to and from the United States may be deferred as follows: The Forms I-94 of departing nonimmigrant aliens, together with the name of the vessel and the date and place of departure, shall be presented to the immigration officer at the port of departure within 96 hours from the time of departure, exclusive of Saturdays, Sundays, and legal holidays. On those vessels using the Form I-94 manifest, the Forms I-94 of all departing passengers, other than United States citizens and nonimmigrant aliens, shall be presented to the immigration officer at the port of departure within 30 calendar days from date of departure. On vessels using the Form I-418 manifest, the Forms I-418, appropriately noted to show prior submission of Forms I-94, shall be presented to the immigration officer at the port of departure within 30 calendar days from date of departure. In the event a Form I-94 for a departing nonimmigrant alien is not submitted within the aforementioned 96 hour period, a completed Form I-94 for that person shall be attached to and shall be submitted with the departure manifest, accompanied by an explanation as to why timely presentation was not made; for good cause shown, such submission shall not be regarded as lack of compliance with section 231(d) of the Act.

(b) *Aircraft*. The captain or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a flight terminating in that country, must present a manifest of all alien passengers on board. In addition, a properly completed Form I-92 (Aircraft/Vessel Report) setting forth each port of disembarkation and the number of passengers (including U.S. citizens) destined thereto shall be submitted by the carrier to the immigration officer at the last port of departure in the United States. Aircraft departing on regularly scheduled flights from the United States may defer presentation for a period not in excess of 48 hours. The manifest shall be in the form of a Bureau of Customs Form 7507 or the International Civil Aviation Organization's General Declaration, a Form I-92 and a separate arrival-departure card (Form I-94) for each alien passenger, except a through flight passenger for whom an arrival-departure card was not prepared upon arrival. An alien nonimmigrant departing on an aircraft proceeding directly to Canada on a flight terminating in that country should surrender any Form I-94 in his possession to the airline agent at the port of departure or to the Canadian immigration officer at the port of arrival in that country.

PART 282—FORMS FOR SALE TO PUBLIC

4. Section 282.1 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: G-28, I-20, I-92, I-94, I-95, I-129B, I-130, I-131, I-140, and I-418.

5. The reference to Form I-92 in the listing of forms in § 299.1 *Prescribed forms* is amended to read as follows:

Form No.	*Title and description*
I-92	Aircraft/Vessel Report.

PART 299—IMMIGRATION FORMS

§ 299.2 [Amended]

6. The first sentence of § 299.2 *Forms available from the Superintendent of Documents* is amended to read as follows: "The following forms required for compliance with the provisions of Subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G-28, I-20, I-92, I-94, I-95, I-129B, I-130, I-131, I-140, and I-418."

§ 299.3 [Amended]

7. The first sentence of § 299.3 *Reproduction of forms by private parties* is amended to read as follows: "The following forms required for compliance with the provisions of Subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I-20, I-92, I-94, I-95, and I-418."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on August 31, 1967. Compliance with the provisions of § 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making is unnecessary in this instance because the amendments relieve restrictions for transportation lines.

Dated: August 4, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-9346; Filed, Aug. 9, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Restrictions on Interstate Movement of Cattle, Other Animals and Certain Materials From Guam

Pursuant to the provisions of sections 1-4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4-7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), §§ 72.2 and 72.3 of Part 72, Title 9, Code of Federal Regulations, which quarantine certain areas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, are hereby amended as follows:

§ 72.2 [Amended]

1. In § 72.2, the section heading is amended to read: "*Splenetic or tick fever in cattle in Texas, Puerto Rico, and the Virgin Islands of the United States and vectors of said disease in the Island of Guam: restrictions on movement of cattle*"; and the following provisions are substituted for the last sentence of said section: "Notice is also hereby given that ticks which are vectors of said disease exist on the Island of Guam. Therefore, portions of the State of Texas, and Puerto Rico, the Virgin Islands of the United States, and the Island of Guam are hereby quarantined as provided in §§ 72.3, 72.4, and 72.5, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter."

2. Section 72.3 is amended to read:

§ 72.3 Areas quarantined in the Virgin Islands of the United States and the Island of Guam.

The entire Territories of the Virgin Islands of the United States and the Island of Guam are quarantined.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 1-4, 33 Stat. 1264 and 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

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

The amendments quarantine the Island of Guam because of the existence there of vectors which may disseminate splenetic or tick fever. Hereafter, the restrictions of the regulations in 9 CFR Part 72, pertaining to the interstate

movement of cattle from quarantined areas, will apply thereto. Other restrictions of the regulations with respect to the interstate movement of animals and certain materials will also apply to such movements from Guam.

The amendments impose certain restrictions necessary to prevent the interstate spread of splenetic or tick fever, and must be made effective promptly to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of August 1967.

E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-9394; Filed, Aug. 9, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-55]

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

Alteration of Control Zone

On pages 7461 and 7462 of the FEDERAL REGISTER dated May 19, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Oshkosh, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

The one comment received was from the Air Transport Association, which offered no objection to the proposal. However, the Association believed that this proposal should give consideration to the construction of a new north/south runway at Winnebago County Airport which they understood would be completed in the near future. The new runway will not be completed for some time and the proposed ILS for this runway is not planned until fiscal year 1969. When the approaches to the new north/south runway are developed, the FAA will consider any airspace changes required by the use of the new runway.

In view of the foregoing, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

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

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

Redesignate the Oshkosh, Wis., control zone as that airspace within a 5-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 2 miles each side of the Oshkosh VOR 175° radial, extending from the 5-mile radius zone to 7 miles S of the VOR; and within 2 miles each side of the Oshkosh ILS localizer W course, extending from the 5-mile radius zone to 5.5 miles W of the W of Runway 9. 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.

[F.R. Doc. 67-9353; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-56]

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

Alteration of Control Zone

On page 7461 of the FEDERAL REGISTER dated May 19, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at St. Paul, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the folowing changes:

(1) The St. Paul Downtown Airport (Holman Field) coordinates recited in the St. Paul, Minn., control zone redesignation as "latitude 44°56'06" N., longitude 93°03'39" W." are changed to read "latitude 44°56'10" N., longitude 93°03'40" W."

(2) The Fleming Field coordinates recited in the St. Paul, Minn., control zone redesignation as "latitude 44°51'29" N., longitude 93°01'59" W." are changed to read "latitude 44°51'25" N., longitude 93°01'55" W."

This amendment shall be effective 0001 e.s.t., October 12, 1967.

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

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

Redesignate the St. Paul, Minn., control zone as that airspace within a 5-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44°56'10" N., longitude 93°03'40" W.), and within 2 miles each side of the St. Paul VOR 295° radial, extending from the 5-mile radius zone to the VOR, excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of Fleming Field (latitude 44°51'25" N., longitude 93°01'55" W.). 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.

[F.R. Doc. 67-9354; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66-EA-100]

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

Alteration of Control Zone and Transition Area

On page 7397 of the FEDERAL REGISTER for May 18, 1967, the Federal Aviation Administration published proposed regulations which would alter the Dover, Del., Control Zone and 700-foot floor transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

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

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the coordinate 75°28'04" W. in the Dover, Del., Control Zone and insert in lieu thereof the coordinate 75°27'50" W. and delete the words "excluding" through "Wyoming, Del." and insert in lieu thereof the words "excluding a 1-mile radius of the center 39°11'15" N., 75°32'00" W. of Dover Airpark, Dover, Del.".

2. Amend § 71.181 of Part 71 so as to add in the Dover, Del., 700-foot transition area after the phrase "8 miles south of the LOM" the phrase "and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Delaware Airpark, Dover-Cheswold, Del.".

[F.R. Doc. 67-9355; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66-EA-107]

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

Alteration of Control Zone and Transition Area

On page 7856 of the FEDERAL REGISTER for May 30, 1967, the Federal Aviation Administration published proposed regulations which would alter the Pittsburgh,

Pa. (Greater Pittsburgh), control zone and transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

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

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Pittsburgh, Pa. (Greater Pittsburgh), control zone all after the words "west course, extending from the 6-mile radius zone" and before "and within 2 miles" and insert in lieu thereof the words "to Creek, Pa., RBN".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete from the 700-foot floor Pittsburgh, Pa., transition area the words beginning with "10-R-ILS localizer west course" through "8 miles west of the OM" and insert in lieu thereof "10-L-ILS localizer west course extending from the 8-mile radius area to the Creek, Pa., RBN".

[F.R. Doc. 67-9356; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66-EA-102]

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

Alteration of Transition Area

On page 7290 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would alter the 700- and 1,200-foot floor Berlin, N.H. transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

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

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Berlin, N.H., Transition Area the description of the 700-foot floor transition area and insert in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Berlin Airport, Berlin, N.H. (44°34'35" N., 71°10'40" W.); within 2 miles each side of the Berlin, N.H., RBN (44°34'37" N., 71°10'47" W.) 334° bearing extending from the 7-mile radius area to 8 miles northwest of the RBN; and within 2 miles each side of the Berlin, N.H., VOR (44°38'05" N., 71°11'12" W.) 355° radial extending from the 7-mile radius area to 8 miles north of the VOR;" and in the description of 1,200-foot floor transition area, between coordinates 44°54'00" N., 71°10'00" W. and 44°31'00" N., 70°55'00" W., add, "to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W."

[F.R. Doc. 67-9357; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66-EA-104]

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

Designation of Transition Area

On page 7292 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Morrisville-Stowe State Airport, Morrisville, Vt.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

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

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following transition area:

MORRISVILLE, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°32'10" N., 72°36'55" W.) of Morrisville-Stowe State Airport, Morrisville, Vt., and within 2 miles each side of the Morrisville RBN (44°35'13" N., 72°35'10" W.) 025° bearing extending from the 5-mile radius area to 8 miles northeast of the RBN.

[F.R. Doc. 67-9358; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66-EA-109]

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

Alteration of Transition Area

On page 7291 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would alter the Dublin, Va., 700-foot floor transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

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

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the 700-foot floor Dublin, Va., transition area and insert in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (37°08'10" N., 80°40'50" W.) of New River Valley Airport, Dublin, Va., and within 2 miles each side of Pulaski VOR 208° radial extending from the 7-mile radius area to 8 miles southwest of the VOR."

[F.R. Doc. 67-9359; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-5]

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

Alteration of Transition Area

On page 7599 of the FEDERAL REGISTER dated May 24, 1967, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sioux Falls, S. Dak.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0001 e.s.t., October 12, 1967.

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

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Sioux Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Sioux Falls VORTAC extending from a line 5 miles southwest of and parallel to the Sioux Falls VORTAC 336° radial clockwise to the northwest edge of V-148, and extending from the south edge of V-120 east of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls; and that airspace extending upward from 5,000 feet MSL within a 43-mile radius of Sioux Falls VORTAC, extending from the south edge of V-120 east of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls, excluding the area which overlies V-15, V-15E, V-148, V-181, and V-181W; and within a 33-mile radius of Sioux Falls VORTAC extending from a line 5 miles southwest of and parallel to the Sioux Falls VORTAC 336°

radial clockwise to the northwest edge of V-148, excluding the portion which overlies V-181.

[F.R. Doc. 67-9360; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-42]

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

Alteration of Transition Area; Correction

On June 28, 1967, a Final Rule was published in the FEDERAL REGISTER (32 F.R. 9156), F.R. Doc. 67-7270, which altered the Columbia, Mo., transition area. In this redesignation, the direction "SE" was erroneously used; the direction "SW" should have been used. Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the redesignation of the Columbia, Mo., transition area, as set forth in F.R. Doc. 67-7270, is amended effective 0001 e.s.t., August 17, 1967, as follows: "thence SE along a line 5 miles SE of and parallel to the Jefferson City VOR 041° and 221° radials" is deleted and "thence SW along a line 5 miles SE of and parallel to the Jefferson City VOR 041° and 221° radials" is substituted therefor.

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

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9361; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66-EA-103]

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

Designation of Transition Area

On page 7291 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor Transition Area over Miami University Airport, Oxford, Ohio.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

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

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Oxford, Ohio, transition area described as follows:

OXFORD, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

[F.R. Doc. 67-9362; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-70]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AUGUST 3, 1967.

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to divide Restricted Area R-3704, Fort Knox, Ky., into two subareas and to reduce the time of designation.

The U.S. Army has concurred in a Federal Aviation Administration proposal that Restricted Area R-3704 be divided into Subarea A extending from the surface to and including 10,000 feet MSL 0600 to 2400 hours, other times by NOTAM 24 hours in advance and Subarea B extending from 10,000 feet MSL to 20,000 feet MSL activated by NOTAM 24 hours in advance.

Since the proposed modification to R-3704 is procedural in nature and reduces the burden on the public, notice and public procedure hereon are unnecessary.

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

In § 73.37 (32 F.R. 2310) Restricted Area R-3704 Fort Knox, Ky., is amended as follows:

a. Delete the present description of the designated altitudes and substitute "Subarea A surface to and including 10,000 feet MSL. Subarea B from 10,000 feet MSL to 20,000 feet MSL."

b. Delete the present description of the time of designation and substitute "Subarea A 0600 to 2400; other times by NOTAM 24 hours in advance. Subarea B by NOTAM 24 hours in advance."

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

Issued in Washington, D.C., on August 3, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-9365; Filed, Aug. 9, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Low Moisture Mozzarella (Scamorza) Cheese and Part-Skim Mozzarella (Scamorza) Cheese; Identity Standards; Confirmation of Effective Date of Order Regarding Optional Ingredients

In the matter of amending the standards of identity for low moisture mozzarella cheese, low moisture scamorza cheese (21 CFR 19.605) and for low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese (21 CFR 19.606) to provide for the use of sorbic acid, potassium sorbate, sodium sorbate, or combinations of these as optional ingredients to retard mold growth:

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 are filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 10, 1967 (32 F.R. 8358). Accordingly, the amendments promulgated by that order will become effective August 9, 1967.

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

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9383; Filed, Aug. 9, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

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

RESINOUS AND POLYMERIC COATINGS, ADHESIVES, COMPONENTS OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1969) filed by The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317, and other relevant material, has concluded that the food additive regulations should be amended as set forth below to provide for the use of mono-*n*-butyl ester of 5-norbornene-2,3-dicarboxylic acid and poly [2-(diethylamino) ethyl methacrylate]

phosphate as components of food-contact articles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in Subpart F as follows:

1. Section 121.2514(b)(3) is amended by alphabetically inserting in subdivision (xv) a new subitem under the item "Vinyl chloride copolymerized with * * *" and by alphabetically inserting in subdivision (xxix) a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xv) * * *

Vinyl chloride copolymerized with one or more of the following substances:

* * * * *

5-Norbornene-2, 3-dicarboxylic acid, mono-n-butyl ester; for use such that the finished vinyl chloride copolymers contain not more than 4 weight percent of total polymer units derived from this comomoer.

* * * * *

(xxix) * * *

Poly [2-(diethylamino) ethyl methacrylate] phosphate (minimum intrinsic viscosity in water at 25° C. is not less than 9.0 deciliters per gram as determined by ASTM Method D 1243-60), for use only as a suspending agent in the manufacture of vinyl chloride copolymers and limited to use at levels not to exceed 0.1 percent by weight of the copolymers.

* * * * *

2. Section 121.2520(c)(5) is amended by alphabetically inserting in the list of components a new item and by alphabetically inserting a new subitem under the item "Polymers: Homopolymers * * *," as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	Limitations
* * *	* * *
Poly [2(diethylamino) ethyl methacrylate] phosphate.	----------------
* * *	* * *
Polymers: Homopolymers * * *	
* * *	* * *
5-Norbornene-2, 3-dicarboxylic acid, mono-n-butyl ester.	----------------
* * *	* * *

3. In § 121.2526(b)(2) the item "Vinyl chloride copolymers * * *" is revised to include a new comonomer "5-norbornene-2,3-dicarboxylic acid, mono-n-butyl ester," as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* * *
Vinyl chloride copolymers produced by copolymerizing vinyl chloride with one or more of the monomers acrylonitrile; fumaric acid and its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters; maleic acid and its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters; maleic anhydride; 5-norbornene-2, 3-dicarboxylic acid, mono-n-butyl ester; vinyl acetate; and vinylidene chloride. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinyl chloride; shall contain no more than 5 weight percent of total polymer units derived from fumaric and/or maleic acid and/or their methyl, ethyl, propyl, butyl, amyl, heptyl, or octyl monoesters or from maleic anhydride or from mono-n-butyl ester of 5-norbornene-2, 3-dicarboxylic acid (however, in any case the finished copolymers shall contain no more than 4 weight percent of total polymer units derived from mono-n-butyl ester of 5-norbornene-2,3-dicarboxylic acid).	----------------
* * *	* * *

4. Section 121.2571(b)(2) is amended by alphabetically inserting in the list of substances a new item and by alphabetically inserting a new subitem under the item "Polymers: Homopolymers * * *," as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* * *
Poly [2-(diethylamino) ethyl methacrylate] phosphate.	----------------
* * *	* * *
Polymers: Homopolymers * * *	Basic polymer.
* * *	* * *
5-Norbornene-2,3-dicarboxylic acid, mono-n-butyl ester.	----------------
* * *	* * *

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

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

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

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9384; Filed, Aug. 9, 1967; 8:49 a.m.]

DOXYCYCLINE ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141, 145, and 147 are amended and Part 148z is established as follows to provide for the certification of specified doxycycline antibiotic drugs:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC CONTAINING DRUGS

1. The following new section is added to Part 141:

§ 141.550 Paper chromatography identity test for tetracyclines.

(a) *Equipment*—(1) *Sheet (chromatographic)*. Whatman No. 1 filter paper for chromatography, 20 x 20 centimeters.

(2) *Chamber (chromatographic)*. Cylindrical glass chromatographic jar, 25 x 12 x 25 centimeters, with a ground-glass lid.

(3) *Preparation of solutions*—(i) *pH 3.5 buffer*. Mix 13.93 volumes of 0.1M citric acid with 6.07 volumes of 0.2M of disodium phosphate.

(ii) *Solvent (organic phase)*. Mix chloroform, nitromethane, any pyridine in volumetric proportions of 10:20:3, respectively.

(4) *Procedure*. Fill the chamber to a depth of 0.6 centimeter with freshly prepared solvent. Draw a starting line about 2.5 centimeters from and parallel to the bottom of the sheet. Wet the sheet thoroughly with the pH 3.5 buffer and blot it firmly between sheets of absorbent paper. Starting about 5 centimeters from the edge of the sheet and at 1.5-centimeter intervals, apply to the starting line 2 microliters each of standard solution (1 milligram per milliliter), sample solution (1 milligram per milliliter), and a 1:1 mixture of the standard and sample solutions. Allow a few minutes for the sheet to dry partially, and while still damp place it in the chamber with the

bottom edge touching the solvent. When the solvent front has risen about 10 centimeters, remove the sheet from the chamber. Examine the dried sheet under a strong source of ultraviolet light and record the position of any fluorescent spots. Measure the distance the solvent front traveled from the starting line and the distance that the fluorescent spots are from the starting line. Calculate the R_f value by dividing the latter by the former.

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

2. Section 145.3 is amended by adding new paragraphs (a)(36) and (b)(36), as follows:

§ 145.3 Definitions of master and working standards.

(a) * * *

(36) *Doxycycline.* The term "doxycycline master standard" means a specific lot of α-6-deoxyoxytetracycline designated by the Commissioner as the standard of comparison in determining the potency of the doxycycline working standard.

(b) * * *

(36) *Doxycycline.* The term "doxycycline working standard" means a specific lot of homogeneous preparation of α-6-deoxyoxytetracycline.

3. Section 145.4(b) is amended by adding the following new subparagraph:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(38) *Doxycycline.* The term "microgram" applied to doxycycline means the doxycycline activity (potency) contained in 1.155 micrograms of the doxycycline master standard.

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

4. Section 147.1. *Antibiotic sensitivity discs; tests and methods of assay; potency* is amended as follows:

a. In paragraphs (c)(3) and (d), the following new items are alphabetically inserted in the table:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

* * * * *

(c) * * *

(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
	Milliliters			
* * *	* * *	* * *	* * *	* * *
Doxycycline	1.5	4	E	A
* * *	* * *	* * *	* * *	* * *

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
* * *	* * *	* * *
Doxycycline	Methyl alcohol	3.3, 6.3, 12.2, 23.4, 45.0 μg.
* * *	* * *	* * *

* * * * *

5. Section 147.2(a) is amended by adding the following new subparagraph:

§ 147.2 Antibiotic sensitivity discs; certification procedure.

(a) * * *

(30) Doxycycline: Not less than 5 μg. nor more than 30 μg.

* * * * *

6. The following new part is added:

PART 148z—DOXYCYCLINE

Sec.
148z.1 Doxycycline hyclate.
148z.2 Doxycycline monohydrate.
148z.3 Doxycycline hyclate capsules.
148z.4 Doxycycline monohydrate for oral suspension.

AUTHORITY: The provisions of this Part 148z issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148z.1 Doxycycline hyclate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate is a crystalline hydrochloride hemiethanolate hemihydrate salt of doxycycline. It is so purified and dried that:

(i) Its potency is not less than 800 nor more than 920 micrograms of doxycycline per milligram on an as is basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not less than 1.4 nor more than 2.75 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(v) It contains not less than 82 nor more than 90 percent doxycycline on an as is basis.

(vi) It gives a positive identity test for doxycycline hyclate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $5.00 for each package in the sample submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F.

(*a*) Make nutrient agar for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(*b*) Make nutrient broth for preparing an inoculum as follows:

Peptone	5.0 gm.
Beef extract	1.5 gm.
Yeast extract	1.5 gm.
Sodium chloride	3.5 gm.
Dextrose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.0 after sterilization.

In lieu of preparing the media from the individual ingredients specified in this subdivision, the media may be made from a dehydrated mixture that, when reconstituted with distilled water, has the same composition as such media. Minor modification of the individual ingredients specified in this subdivision are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(ii) *Working standard.* Prepare a stock solution by dissolving an appropriate aliquot of the doxycycline working standard in sufficient 0.1*N* hydrochloric acid to give a concentration of 1,000 micrograms of doxycycline per milliliter. This stock solution should be stored under refrigeration and may be used for 7 days.

(iii) *Preparation of sample.* Dissolve an appropriate quantity of the sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of doxycycline per milliliter (estimated). Further dilute in 0.1*M* potassium phosphate buffer, pH 4.5, to a final concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(iv) *Preparation of test organism.* The test organism is *Staphylococcus aureus* (ATCC 6538P), which is maintained on slants of nutrient agar described in subdivision (i) (*a*) of this subparagraph. From a stock slant, inoculate a Roux bottle containing the same agar and incubate for 24 hours at 32° C.–35° C. Wash

the resulting growth from the agar surface with 50 milliliters of sterile U.S.P. saline T.S. Standardize the resulting bulk suspension so that a 1:20 dilution in U.S.P. saline T.S. will give 25-percent light transmission, using a suitable photoelectric colorimeter with a 580-millimicron filter and a 13-millimeter diameter test tube as an absorption cell. For the daily inoculum use approximately 1.0 milliliter of the bulk suspension for each liter of the nutrient broth needed for the assay.

(v) *Procedure.* Prepare solutions for the daily standard curve by diluting an aliquot of the stock working standard solution prepared as described in subdivision (ii) of this subparagraph in 0.1*M* potassium phosphate buffer, pH 4.5, to the following concentrations: 0.064, 0.080, 0.100, 0.125, and 0.156 microgram of doxycycline per milliliter. Place 1.0 milliliter of each concentration of the standard curve and of the sample solution prepared as described in subdivision (iii) of this subparagraph into each of three replicate test tubes (16 millimeters x 125 millimeters). To each tube add 9 milliliters of the inoculated broth described in subdivision (iv) of this subparagraph and place immediately in a water bath at 37° C. for 3 to 4 hours. Remove the tubes from the water bath and add 0.5 milliliter of a 12 percent formaldehyde solution to each tube. Determine the absorbance values of each tube in a suitable photoelectric colorimeter, using a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear, uninoculated broth prepared as directed in subdivision (i) (*b*) of this subparagraph.

(vi) *Estimation of potency.* Plot the average absorbance values for each concentration of the standard curve on 1-cycle semilogarithmic graph paper with the absorbance values on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points either by inspection or by use of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L=Calculated absorbance value for the lowest concentration of the standard curve.

H=Calculated absorbance value for the highest concentration of the standard curve.

a, b, c, d, e=Average absorbance values for each concentration of the standard curve, lowest to highest, respectively.

Plot the values obtained for L and H and connect the points with a straight line. Average the absorbance values for the sample and determine the doxycycline concentration from the standard curve. Multiply the concentration by the appropriate dilution factor to obtain the doxycycline content of the sample.

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 5.0 milligrams of doxycycline per milliliter of sterile U.S.P. saline T.S.

(3) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous solution containing the equivalent of 10 milligrams of doxycycline per milliliter.

(5) *Doxycycline content*—(i) *Equipment*—(*a*) *Sheet* (*chromatographic*). Whatman No. 4 filter paper for chromatography, 22 x 57 centimeters.

(*b*) *Chamber* (*chromatographic*). Square glass chromatography jar, 30 x 30 x 60 centimeters, equipped with 25-centimeter troughs for descending chromatography.

(ii) *Preparation of solutions*—(*a*) *0.05N Methanolic hydrochloric acid.* Dilute 4.2 milliliters of concentrated hydrochloric acid to 1 liter with methanol.

(*b*) *pH 4.2 buffer.* Mix 5.86 volumes of 0.1*M* citric acid with 4.14 volumes of 0.2*M* disodium phosphate.

(*c*) *Chromatographic system.* Mix toluene, pyridine, and pH 4.2 buffer in volumetric proportions of 20: 3: 10, respectively. Allow the phases to separate. Place the upper phase in the troughs near the top of the chamber. Place the lower phase in the bottom of the chamber. Saturate the atmosphere of the highly sealed chamber for 24 hours before use by placing white blotters on two opposite sides of the chamber so that their ends are immersed in the lower phase in the bottom of the chamber. Replace the solvent in troughs before the chromatograms are to be developed.

(iii) *Preparation of the doxycycline standard solution.* Accurately weigh about 50 milligrams of the doxycycline working standard into a 5-milliliter volumetric flask and bring to volume with 0.05*N* methanolic hydrochloric acid. Store in the refrigerator and use within 7 days.

(iv) *Preparation of sample.* Accurately weigh about 50 milligrams of the sample into a 5-milliliter volumetric flask and bring to volume with 0.05*N* methanolic hydrochloric acid.

(v) *Preparation of the chromatogram.* Dip the chromatographic sheets into pH 4.2 buffer and lightly blot each sheet between clean nonfluorescing, white blotters. Use separate sheets for the doxycycline standard solution, for each doxycycline sample solution, and for blanks without standard or sample application. Care must be taken so that the moist sheets do not become too dry; a period of 5 to 10 minutes between impregnating the paper and placing it in the chromatographic chamber is usually satisfactory. Evenly apply a 0.100-milliliter aliquot of a doxycycline solution to the origin line of a sheet as a 15-centimeter-long streak. Place the sheets in the chamber and develop them in a descending manner for 2 hours. The doxycycline band should move approximately 12.5 centimeters from the origin line. Remove the sheets from the chamber and air-dry for about 10 minutes.

(vi) *Processing the chromatogram.* Examine each sheet under 366-millimicron ultraviolet light and outline the main fluorescent doxycycline band with a pencil. The marked area should be approximately 10 x 22 centimeters in size. Outline an area on the blank sheet approximately equal in size and in the same location as those outlined on the standard and sample sheets. Exposure of the sheets to ammonia or other alkaline vapors must be avoided. Cut the marked areas from the sheets and then cut them into approximately 2-centimeter squares. For each sheet, place the squares into a glass-stoppered 125-milliliter Erlenmeyer flask. The time between removing the sheets from the chamber and placing the squares into the Erlenmeyer flasks should be minimal, since excessive drying of the paper can lead to erratic elutions.

(vii) *Elution.* To each flask add 50 milliliters of 0.05*N* methanolic hydrochloric acid and agitate on a reciprocating shaker for 1 hour. Decant the contents of each flask into another flask by pouring through a small funnel fitted with a glass wool plug.

(viii) *Doxycycline standard solution for direct measurement of absorbance.* Pipette a 0.100-milliliter aliquot of the doxycycline standard solution into each of three 125-milliliter Erlenmeyer flasks. Add 50 milliliters of 0.05*N* methanolic hydrochloric acid to each of these flasks.

(ix) *Absorbance measurement.* Using a suitable spectrophotometer and 0.05*N* methanolic hydrochloric acid as the reference solvent, determine the absorbance of each eluate and of each doxycycline standard solution at the absorption maximum at about 349 millimicrons.

(x) *Calculation of percent doxycycline in samples.* Calculate as follows:

$$\text{Percent doxycycline}=\frac{(A_u-A_b)(W_s)}{(A_s-A_b)(W_u)}\times\text{Doxycycline content of the working standard,}$$

where:

A_u=Absorbance of the eluate from the main doxycycline band of the sample sheet.

A_s=Absorbance of the eluate from the main doxycycline band on the standard sheet.

A_b=Absorbance of the eluate from the area of the blank sheet corresponding to the area of the doxycycline band of the standard sheet.

W_u=Weight in milligrams of sample.

W_s=Weight in milligrams of doxycycline working standard.

(xi) *Recovery of the doxycycline standard from the chromatogram.* As follows:

$$\text{Percent recovery}=\frac{A_s-A_b}{A_D}\times\frac{100}{F}$$

where:

A_D=Absorbance of the doxycycline standard solution described in subdivision (viii) of this subparagraph.

F=The fractional purity of doxycycline standard solution described in subdivision (xii) of this subparagraph.

If the recovery of the doxycycline standard from the chromatogram is less than 95 percent, repeat the chromatogram.

(xii) *Determination of the fractional purity of the doxycycline working standard.* Determine F by means of the following equation:

$$F=1-\frac{(A_c-A_{cb})}{(A_c-A_{cb}+A_s-A_b)}$$

where:

A_c=Absorbance of the eluate from sections of the standard chromatogram containing nondoxycycline 349 millimicron-absorbing contaminants.

A_{cb}=Absorbance of the eluates from the sections of the blank sheets corresponding to those sections of the nondoxycycline absorbing contaminants of the standard sheets.

(6) *Identity.* The infrared absorption spectrum in the range of 2 to 15 microns for a 0.25-percent mixture of the sample in a potassium bromide pellet compares qualitatively to that of an authentic sample of doxycycline hyclate.

(7) *Crystallinity.* Mount a few particles of the sample in mineral oil and examine by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

§ 148z.2 Doxycycline monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline monohydrate is a crystalline hydrated compound of doxycycline. It is so purified and dried that:

(i) Its potency is not less than 880 micrograms nor more than 980 micrograms of doxycycline per milligram on an as is basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not less than 3.6 percent nor more than 4.6 percent.

(iv) Its pH in an aqueous suspension containing the equivalent of 10 milligrams of doxycycline per milliliter is not less than 5.0 nor more than 6.5.

(v) It contains not less than 90 percent nor more than 98 percent doxycycline on an as is basis.

(vi) It gives a positive identity test for doxycycline monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples of the batch: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $5 for each package in the sample submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148z.1(b)(1).

(2) *Toxicity.* Proceed as directed in § 141a.75(b) of this chapter using as a test dose 0.5 milliliter of a suspension containing 100 milligrams of doxycycline per milliliter of sterile distilled water.

(3) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous suspension containing the equivalent of 10 milligrams of doxycycline per milliliter.

(5) *Doxycycline content.* Proceed as directed in § 148z.1(b)(5).

(6) *Identity.* The infrared absorption spectrum in the range of 2 to 15 microns of a 0.25 percent mixture of doxycycline monohydrate in a potassium bromide pellet compares qualitatively to that of an authentic sample of doxycycline monohydrate.

(7) *Crystallinity.* Proceed as directed in § 148z.1(b)(7).

§ 148z.3 Doxycycline hyclate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate capsules are composed of doxycycline hyclate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains doxycycline hyclate equivalent to 50 milligrams of doxycycline. The moisture content is not more than 5.0 percent. It passes the identity test for the presence of the doxycycline moiety. The doxycycline hyclate used conforms to the standards prescribed by § 148z.1. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each capsule in the sample submitted in accordance with subparagraph (3)(ii)(*b*) of this paragraph; $4 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $5 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148z.1(b)(1), except prepare the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 0.1*N* hydrochloric acid and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5, to the reference concentration. The potency is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of doxycycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(3) *Identity.* Proceed as directed in § 141.550 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline capsule contents and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final standard and sample solutions. The standard and sample must each produce a major, yellow fluorescent spot with the same R_f value, and the standard-sample mixed solution must show no separation of major spots.

§ 148z.4 Doxycycline monohydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline monohydrate for oral suspension is doxycycline monohydrate, with one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. Its moisture content is not more than 3 percent. It passes the identity test for the presence of the doxycycline moiety. When prepared as directed in the labeling, each milliliter contains the equivalent of 5 milligrams of doxycycline and its pH is not less than 5.0 and not more than 6.0. The doxycycline monohydrate used conforms to the standards prescribed by § 148z.2. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline monohydrate used in making the batch for potency, toxicity, moisture, pH, doxycyline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, pH, and identity.

(ii) Samples required:

(*a*) Doxycyline monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees*. $4 for each container in the samples submitted in accordance with subparagraph (3) (ii) (*b*) and (*c*); $5 for each container in the sample submitted in accordance with subparagraph (3) (ii) (*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 148z.1 (b) (1), except prepare the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable syringe, transfer an appropriate aliquot of the suspension to a volumetric flask and dissolve with 0.1*N* hydrochloric acid. Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5, to the reference concentration. The potency is satisfactory if it is not less than 90 percent nor more than 125 percent of the number of milligrams of doxycyline that it is represented to contain.

(2) *Moisture*. Proceed as directed in § 141a.26(e) of this chapter.

(3) *pH*. Reconstitute as directed in the labeling and proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

(4) *Identity*. Proceed as directed in § 141.550 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline monohydrate for oral suspension and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final concentration of the sample and standard solutions. The sample and standard must each produce a major, yellow fluorescent spot with the same R_f value and the sample-standard mixed solution must show no separation of major spots.

Data supplied by the manufacturer concerning the safety and efficacy of the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for certification of the subject drugs have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

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

Dated: August 4, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9376; Filed, Aug. 9, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

REFINANCING TRANSACTIONS AND PREPAYMENT PRIVILEGE, PREPAYMENT AND LATE CHARGES

In § 207.32 the introductory text of paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to read as follows:

§ 207.32 Eligibility of refinancing transactions.

* * * * *

(a) Except as provided in paragraph (b), the principal of the new mortgage shall not exceed the lowest of these amounts:

* * * * *

(b) Where the mortgage to be refinanced is one of several insured mortgages covering properties, the income of which is being pooled, and the proceeds of the refinanced mortgage are to be applied to the indebtedness of one or more mortgages in such pool, the principal amount of the new mortgage shall not exceed the original principal amount of the existing insured mortgage.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

Section 1100.65 is amended to read as follows:

§ 1100.65 Prepayment privilege, prepayment and late charges.

(a) *Prepayment privilege*. The mortgage indebtedness shall not be prepaid in full and the Commissioner's controls shall not be terminated unless the Commissioner gives his prior consent to such prepayment.

(b) *Prepayment charge*. The mortgage may contain a provision for such additional charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee. However, the mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge. Any reduction in the original principal amount of the mortgage resulting from the certification of cost requirements shall not be construed as a prepayment of the mortgage.

(c) *Late charge*. The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed two cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

(Sec. 1101, 80 Stat. 1255, 1274; 12 U.S.C. 1749aaa-1 et seq.)

Issued at Washington, D.C., August 7, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-9390; Filed, Aug. 9, 1967; 8:50 a.m.]

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

MISCELLANEOUS AMENDMENTS

In § 221.510 the introductory text of paragraphs (a) (2) and (d) (2) is amended to read as follows:

§ 221.510 Eligible mortgagors.

(a) *Nonprofit, builder-seller, and rehabilitation sales mortgagors*. * * *

(2) The builder-seller mortgagor shall be a special type of mortgagor approved by the Commissioner which is organized:

* * * * *

(d) *Cooperative and investor-sponsor mortgagors*. * * *

(2) The investor-sponsor mortgagor shall be a special type of mortgagor approved by the Commissioner which is organized to:

* * * * *

In § 221.514 paragraphs (a) (2) (i) and (a) (3) (i) are amended to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) *Principal obligation*. * * *

(2) *New construction*. (i) In the case of new construction where the mortgagor is a nonprofit, builder-seller, public, cooperative, or investor-sponsor, the Commissioner's estimate of replacement cost of the property or project when the improvements are completed (the replacement cost may include the land, the proposed physical improvements, utilities

within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner).

* * * * *

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a nonprofit, builder-seller, rehabilitation sales, public, cooperative, or investor-sponsor, the sum of the estimated cost of the repairs or rehabilitation of the project and the Commissioner's estimate of the value of the property before repairs or rehabilitation.

* * * * *

In § 221.515 paragraph (b)(1) and the introductory text of paragraph (c)(1) are amended to read as follows:

§ 221.515 Adjusted mortgage amount—rehabilitation projects.

* * * * *

(b) *Property subject to existing mortgage.* * * *

(1) *Nonprofit, builder-seller, public, cooperative, or investor-sponsor mortgagor.* If the mortgagor is a nonprofit, builder-seller, public, cooperative, or investor-sponsor, the Commissioner's estimate of the cost of the repairs or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the value of such land and improvements prior to the repairs or rehabilitation.

* * * * *

(c) *Property to be acquired.* * * *

(1) *Nonprofit, builder-seller, public, cooperative, investor-sponsor, or rehabilitation sales mortgagor.* If the mortgagor is a nonprofit, builder-seller, public, cooperative, investor-sponsor, or rehabilitation sales, the Commissioner's estimate of the cost of the proposed repairs or rehabilitation plus the lesser of either of the following:

* * * * *

In § 221.535 paragraph (a) is amended to read as follows:

§ 221.535 Supervision applicable to investor-sponsor mortgagors.

(a) *Investor-sponsor's escrow.* The mortgagee shall hold in escrow such amount as the Commissioner determines will be needed, in the event the project is not transferred to a cooperative within 2 years from the date of project completion, to reduce the principal of the mortgage to an amount authorized for a limited distribution mortgagor. The amount held in escrow may be disbursed to the mortgagor if the transfer occurs within the 2-year period. Where the transfer does not occur within such period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct.

* * * * *

In § 221.535a paragraph (a) is amended to read as follows:

§ 221.535a Supervision applicable to builder-seller mortgagors.

(a) *Builder-seller's escrow.* The mortgagee shall hold in escrow such amount as the Commissioner determines will be needed, in the event the project is not transferred to a nonprofit mortgagor at final endorsement or within such additional period as may be agreed to in writing by the Commissioner, to reduce the principal of the mortgage to an amount authorized for a limited distribution mortgagor. The amount held in escrow may be disbursed to the mortgagor if the transfer occurs at final endorsement or within such period as may be agreed to by the Commissioner. Where the transfer does not occur within the prescribed period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct.

* * * * *

In § 221.550a paragraphs (a) and (d) are amended to read as follows:

§ 221.550a Certificate of actual cost—builder's and sponsor's profit and risk allowance.

(a) *In general.* The mortgagor's certificate of actual cost shall include (except in a case involving a nonprofit, builder-seller, cooperative, investor-sponsor, or rehabilitation sales mortgagor) an allowance for builder's and sponsor's profit and risk. The amounts of the allowance shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders, or partners and the general contractor.

* * * * *

(d) *Nonapplicability to nonprofit, builder-seller, cooperative, investor-sponsor, or rehabilitation sales mortgagor.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a nonprofit, builder-seller, cooperative, investor-sponsor, or rehabilitation sales mortgagor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

In § 231.11a paragraph (a) is amended and a new paragraph (d) is added to read as follows:

§ 231.11a Builder's and sponsor's profit and risk allowance.

(a) *In general.* The mortgagor's certificate of actual cost shall include (except in a case involving a nonprofit mortgagor) an allowance for builder's and sponsor's profit and risk, the amount of which shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders, or partners and the general contractor.

* * * * *

(d) *Nonapplicability to nonprofit mortgagor.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a nonprofit mortgagor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

Issued at Washington, D.C., August 4, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-9391; Filed, Aug. 9, 1967; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 541—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Transportation and Protection of Mail Between Post Offices and Ships

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

I. In § 541.1 paragraph (c) is revised to show that a man is no longer required to ride on the rear of a vehicle to protect the mail as much of the mail is now containerized.

§ 541.1 Transportation and protection of mail between post offices and ships.

* * * * *

(c) *Vehicles and carriers.* Carriers are accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner. The mail compartment of the completely closed van-type vehicle or trailer type container vehicle must be locked or sealed during transport from post office to pier. When open top trucks are used, the sacks shall be covered by a fireproof and rainproof tarpaulin which must be fastened securely to the body of the truck.

(2) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

AUGUST 1, 1967.

[F.R. Doc. 67-9348; Filed, Aug. 9, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 16]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, March 7, 1968, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 4, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9378; Filed, Aug. 9, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California, et al.

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

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

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu Lake National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,846 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 24, 1967, inclusive; mourning doves only, from December 13, 1967, through January 7, 1968, inclusive. California—white-winged and mourning doves, from September 2 through October 11, 1967, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 38,540 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 24, 1967, inclusive; mourning doves only, from December 13, 1967, through January 7, 1968, inclusive. California—white-winged and mourning doves, from September 2 through October 11, 1967, inclusive. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1967, inclusive; rails, from September 1 through November 9, 1967, inclusive; woodcock, from October 21 through December 24, 1967, inclusive; and Wilson's snipe, from October 1 through November 19, 1967, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Dogs—Not to exceed two per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 24, 1967.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1967, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

LEWIS R. GARLICK,
Acting Regional Director, Albuquerque, N. Mex.

AUGUST 1, 1967.

[F.R. Doc. 67-9333; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska, et al.

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

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

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on all lands within the Aleutian Islands National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting. Information relative to hunting thereon may be obtained from the Refuge Manager, Cold Bay, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of upland game on all lands within the Arctic National Wildlife Range, Alaska, is permitted in accordance with all applicable State laws governing upland game hunting. Information relative to hunting theron may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Public hunting of upland game on all lands within the Clarence Rhode National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting. Information relative to hunting thereon may be obtained from the Refuge Manager, Bethel, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of upland game on all lands within the Izembek National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting, subject to the following special condition: The landing of aircraft is prohibited except in the event of emergency. Information relative to hunting thereon may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

KENAI NATIONAL MOOSE RANGE

Public hunting of upland game on all lands within the Kenai National Moose Range, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting, subject to the following special conditions:

(1) Except in the event of an emergency, the landing of aircraft on that portion of the Kenai National Moose Range lying south of the Kenai River is restricted to the following areas:

Area No. 1. All lakes, streams and other bodies of water except that aircraft may not be landed on any glacier.

Area No. 2. The airstrip situated near the south side of Upper Funny River at longitude 150°26'50'' W., latitude 60°-12'20'' N.

Area No. 3. The airstrip situated near the west side of Funny River at longitude 150°44'52'' W., latitude 60°20'12'' N.

Area No. 4. The airstrip situated near the north side of Fox River at longitude 150°44' W., latitude 59°58'30'' N.

All coordinates are approximate.

This area is delineated on maps available at Refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on all lands within the Kodiak National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting, subject to the following special conditions:

(1) Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

Information relative to hunting thereon may be obtained from the Refuge headquarters, Kodiak, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

NUNIVAK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on all lands within the Nunivak National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting. Information relative to hunting on the refuge may be obtained from Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

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

JULY 24, 1967.

[F.R. Doc. 67-9332; Filed; Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Ariz. and Calif.

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

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

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail and jack rabbits on the Havasu Lake National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,846 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1967, inclusive, and December 1, 1967, through January 31, 1968, inclusive; cottontail and jack rabbits, September 1, 1967, through January 31, 1968, inclusive. California—quail, October 28, 1967, through January 1, 1968, inclusive; cottontail and jack rabbits, September 2, 1967, through January 1, 1968, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail and jack rabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concessing operation.

(2) Weapons—Shotguns only, not larger than 10 gage and incapable of holding more than 3 shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1968.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

JULY 31, 1967.

[F.R. Doc. 67-9334; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Ga.

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

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

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey and raccoon on the Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of turkey and raccoon subject to the following conditions:

(1) Turkey gobblers and raccoons may be taken during the following open periods: October 25 through October 28, 1967; November 20 through November 25, 1967; and December 27 through December 30, 1967.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The bag limit for turkey is two gobblers per season. Turkey hunting will be halted when a total of 20 gobblers are killed. No bag limit on raccoons.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull. Firearms, crossbows and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island, and may not enter the refuge more than three days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by the following dates:

October 20 for the hunt beginning October 25.

November 14 for the hunt beginning November 20.

December 21 for the hunt beginning December 27.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

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

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 25 through October 28, 1967; November 20 through November 25, 1967; and December 27 through December 30, 1967.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead, seven-eighths inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island and may not enter the refuge more than three days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by the following dates:

October 20 for the hunt beginning October 25.

November 14 for the hunt beginning November 20.

December 21 for the hunt beginning December 27.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1967.

[F.R. Doc. 67-9335; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

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

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

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,765 acres for prairie grouse hunting and 70,085 acres for pheasant hunting, is delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The open season for hunting prairie grouse on the refuge extends from September 16, 1967 through the closing date of the regular prairie grouse season in Nebraska, or until the opening date of the regular State duck hunting season, whichever occurs first.

(2) The open season for hunting pheasants on the refuge extends from November 4, 1967, or the close of the regular State duck hunting season, in the event that this occurs at a later date, to the close of the regular State pheasant season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1967–1968 pheasant season.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 2, 1967.

[F.R. Doc. 67-9336; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

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

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

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

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

(1) All hunters must possess a special Refuge Deer Hunting Permit for the same hunting unit as designated on their Nebraska 1967 Deer License. This special permit is available at no cost at refuge headquarters.

(2) The open season for hunting deer on the refuge will extend from October 28, 1967, through November 5, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 2, 1967.

[F.R. Doc. 67-9337; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

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

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

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

The public hunting of deer on the William L. Finley National Wildlife Refuge is permitted on lands as posted from August 26 through September 17, September 30 through November 5, 1967. Additional information may be obtained at Refuge headquarters approximately 15 miles south of Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations, subject to the following special condition:

1. All hunters will check in and out of the Refuge daily by use of self service permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 5, 1967.

EUGENE C. BARNEY,
Acting Refuge Manager, William L. Finley National Wildlife Refuge, Benton County, Oreg.

JULY 12, 1967.

[F.R. Doc. 67-9339; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 28 through November 5, 1967, and November 24 through November 26, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1967.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak. 57551.

AUGUST 1, 1967.

[F.R. Doc. 67-9340; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

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.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,100 acres of water area on the refuge, are delineated on a map available at the 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 will extend from January 1, 1968, through December 31, 1968, in those waters posted as open, except that all fishing is prohibited during the regular migratory duck hunting season.

(2) Hook and line fishing only is permitted.

(3) Boats are permitted on lakes opened to sport fishing, but the use of motors is prohibited.

(4) The use of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 2, 1967.

[F.R. Doc. 67-9338; Filed, Aug. 9, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16574; FCC 67-923]

PART 73—RADIO BROADCAST SERVICES

Procedures in Event of Personal Attack or Where Station Editorializes as to Political Candidates

In the matter of amendment of Part 73 of the rules to provide procedures in the event of a personal attack or where a station editorializes as to political candidates, Docket No. 16574.

Memorandum Opinion and Order. 1. On July 5, 1967, the Commission adopted rules specifying procedures in the event of certain personal attacks and where a station editorializes as to political candidates. In subsection (b) of those rules, we exempted certain situations where the fairness doctrine generally, rather than the personal attack rule, may be applicable. In the processing of a recent complaint, we have become aware of a further instance where clarification of our rules is appropriate.

2. Specifically, the personal attack rule is inapplicable to the bona fide newscast or on-the-spot coverage of a bona fide news event. In these situations the general fairness doctrine is applicable, and licensees are required to make reasonable good faith judgments upon the particular facts of the case in accordance with that doctrine. See section 315(a) of the Communications Act of 1934, as amended; Applicability of the Fairness Doctrine In The Handling Of Controversial Issues of Public Importance, 29 F.R. 10416. Thus, licensees must make good faith, journalistic judgments as to what is newsworthy and how it should be presented. If the licensee adjudges an event containing a personal attack to be newsworthy, in practice he usually turns, as part of the news coverage to be presented that day or in the very near future, to the other side and again makes the same good faith journalistic judgment as to its presentation and what fairness requires in the particular circumstances. That is normal journalism and fairness in this area. To import the concept of notification within a week period, with a presentation of the person attacked on some later newscast when other news might normally be broadcast, is impractical and might impede the effective execution of the important news functions of licensees or networks. Such a result is not intended under the rules adopted. Finally, the exemption is also being extended to on-the-spot coverage of a bona fide news event, since this category is akin to the newscast area; in this connection, we have also taken into account the consideration that the number of personal attacks occurring in on-the-spot coverage of bona fide news events is unlikely to be large in number, that the

notification aspect is relatively less needed in this area, and that on the whole it can be administered readily by applying the fairness doctrine to the specific facts of each case, when and if disputes arise.

3. The exemption resulting from the above clarification does not extend, however, to editorials or similar commentary, embodying personal attacks, broadcast in the course of the newscasts. The foregoing considerations are inapplicable. Rather, since the licensee has chosen to present a personal attack in his editorial, he should not be the one to determine wholly what the public shall or shall not hear on the other side of a matter affecting the integrity, honesty, and like personal qualities of the person attacked. Under elemental fairness, the person attacked should be afforded a comparable opportunity to give that side, subject to reasonable conditions set by the licensee. See, e.g., Letter to Station WALG, FCC 65-50 (1965). More important, the person attacked is the most appropriate spokesman to inform the public of the other side of the attack issue. As noted, the time and practical considerations, discussed with respect to the news itself in par. 2, are not usually applicable to an editorial, and even if applicable in an attenuated form, are outweighed by the foregoing factors. Finally, the argument that this might impede the presentation of editorials containing personal attacks is simply an assertion by the licensee that he wishes to broadcast such an editorial, but only if he does not have to present the other side of the attack issue or if he can wholly control what the public may hear concerning this other side, rather than permitting the person so vitally affected by his editorial and with the most knowledge of the issue a reasonable opportunity to reach his listeners.[1]

4. It may be that experience will indicate the need or desirability of other revisions, clarifications, or waivers of the rule in particular factual situations. If so, we shall act promptly to make whatever changes the public interest in the larger and more effective use of radio requires. See, e.g., section 4(b), Administrative Procedure Act. We stress again the purpose of the rules: To delineate better the licensee's responsibilities in this important area and to afford the Commission a further needed sanction to deal with those who flagrantly violate the underlying policies in situations where there is no reasonable question as to the licensee's responsibility.

5. Authority for the rules herein adopted is contained in sections 4 (i) and (j), 303(r) and 315 of the Communications Act of 1934, as amended; see also, § 1.108 of the Commission's rules and regulations.

6. *Accordingly, it is ordered*, That the rule revisions contained below are adopted, effective August 14, 1967. See section 4(c), Administrative Procedure Act. This proceeding is terminated.

(Secs. 4, 303, 315, 48 Stat. as amended 1066, 1082, 1088; 47 U.S.C. 154, 303, 315)

Adopted: August 2, 1967.

Released: August 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

In Part 73 of Chapter I of Title 47 of the Code of Federal Regulations, §§ 73.123(b), 73.300(b), 73.598(b), and 73.679(b) are revised to read identically as set forth in § 73.123 below:

§ 73.123 Personal attacks; political editorials.

* * * * *

(b) The provisions of paragraph (a) of this section shall be inapplicable (1) to attacks on foreign groups or foreign public figures; (2) where personal attacks are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts or on-the-spot coverage of a bona fide news event (but the provisions shall be applicable to any editorial or similar commentary included in such newscasts or on-the-spot coverage of news events).

NOTE: The fairness doctrine is applicable to situations coming within (3), above, and, in a specific factual situation, may be applicable in the general area of political broadcasts (2), above. See, section 315(a) of the Act, 47 U.S.C. 315(a); Public Notice: Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance. 29 Fed. Reg. 10415.

* * * * *

[F.R. Doc. 67-9400; Filed, Aug. 9, 1967; 8:50 a.m.]

[1] For similar reasons, we have exempted news documentaries. We note that the latter ordinarily do not involve the time and practical considerations discussed in par. 2, and that a documentary, even though fairly presented, may necessarily embody a point of view. We believe, therefore, that the person attacked can readily, and should be, afforded the reasonable opportunity to present his side, as the most appropriate spokesman to inform the public on a matter affecting his integrity, etc.

Similarly, the news interviews show, which is akin to many other talk programs, is not exempted. The licensee has chosen to provide one person with an "electronic platform" for an attack, and elemental fairness and the duty to inform the public in the most appropriate manner, dictate that he should afford the person attacked a comparable opportunity. Again, the considerations set forth in par. 2 are inapplicable.

Finally, we note that there are already certain exemptions where the attacks are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign.

[2] Commissioners Bartley, Loevinger, and Wadsworth absent; Commissioner Cox concurring in the result.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Reporting of Interest on Deposits Evidenced by Negotiable Time Certificates of Deposits

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions submitted after August 1, 1967, not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to change the requirements for information reporting with respect to interest on deposits evidenced by certain types of negotiable time certificates of deposits, the Income Tax Regulations (26 CFR Part 1) under sections 6041 and 6049 of the Internal Revenue Code of 1954, are amended, effective for calendar years after 1966, as follows:

PARAGRAPH 1. Section 1.6041-3 is amended by revising paragraph (n), by revising paragraph (o), and by adding a new paragraph (p). These amended and added provisions read as follows:

§ 1.6041-3 Payments for which no return of information is required under section 6041.

* * * * *

(n) Amounts paid to persons in the service of an international organization, as defined in section 7701(a)(18), as an allowance or reimbursement for traveling or other bona fide ordinary and necessary expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence;

(o) A payment of a type determined by the Commissioner to be paid as an award to an informer or other payment of a similar character made by the United States, a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing; and

(p) On and after (30 days from the date of publication in the FEDERAL REGISTER of the final Treasury Decision), payments by a person carrying on the banking business of interest on a deposit evidenced by a negotiable time certificate of deposit (but for reporting requirements as to payments made after Dec. 31, 1962, of interest on certain deposits, see sec. 6049 and the regulations thereunder in this part).

PAR. 2. Paragraph (a)(2) of § 1.6049-2 is amended to read as follows:

§ 1.6049-2 Interest subject to reporting.

(a) *In general.* * * *

(2) (i) Before (30 days from the date of publication in the FEDERAL REGISTER of the final Treasury Decision), interest on deposits (except deposits evidenced by negotiable time certificates of deposits) paid (or credited) by persons carrying on the banking business.

(ii) On and after (30 days from the date of publication in the FEDERAL REGISTER of the final Treasury Decision), interest on deposits (except a deposit evidenced by a negotiable time certificate of deposit issued in bearer form) paid (or credited) by persons carrying on the banking business. For purposes of this subdivision, a negotiable time certificate of deposit shall not be considered as issued in bearer form if it has been indorsed by the purchaser as payable to his order, and has not been indorsed by any other person (other than a banking institution).

* * * * *

[F.R. Doc. 67-9377; Filed, Aug. 9, 1967; 8:49 a.m.]

[26 CFR Part 1]

SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-8969, appearing at page 11217 of the issue for Wednesday, August 2, 1967, the following corrections are made:

1. In § 1.501 (c)(17)-2(c)(4), the fifth sentence should read: "Under this exception, for example, if an employer has established a plan providing for the payment of supplemental unemployment compensation benefits for his hourly wage employees and such plan satisfies the requirements of section 501(c)(17)(A) (even though the plan forms part of a voluntary employees' beneficiary association described in sec. 501(c)(9)), the salaried employees of such employer may establish a plan for themselves, and, if such plan provides for the same benefits as the plan covering hourly wage employees, both plans may be considered as one plan in determining whether the plan covering the salaried employees satisfies the requirement that it be nondiscriminatory as to coverage."

2. In § 1.503(c)-1, a row of five asterisks should appear between the introductory text of paragraph (c) and Example (5).

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 5 to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The prospsoed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide miscellaneous changes in the Republication of the Processor Wheat Marketing Certificate Regulations to require processors to make remittances for purchase of marketing certificates to a Federal Reserve Bank or Branch Bank, if the Commodity Office has not requested that the remittance be made directly to that office. This change

is being made to expedite the deposit of Government funds.

The proposed amendment would read as follows:

1. Section 777.3(y) is added to read as follows:

§ 777.3 Definitions.

* * * * *

(y) "Federal Reserve Bank" or "FRB" means the Federal Reserve Bank or Branch which serves the area in which the processor's remitting office is located or such other Federal Reserve Bank or Branch as is designated by the Kansas City Commodity Office. (See listing of banks in App. VI.)

§ 777.10 [Amended]

2. Section 777.10(b) is amended to read as follows:

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC the face value of the certificates plus such interest as may be required by the regulations of this part. Offers to purchase certificates for wheat processed in a specific processing report period may be made by submission of a processing report as provided in § 777.12, with a remittance payable to Commodity Credit Corporation for the cost of the certificates, or by submission of the remittance with advice that it is for purchase of wheat marketing certificates and identification of the processor number of the plant and the processing period. Offers to purchase certificates not applicable to a specific processing period shall be made by submission of a remittance with advice that it is for purchase of CCC-145, Wheat Marketing Certificates, and the name and address of the payee to be shown on the certificates. All offers to purchase certificates and related remittances shall be made to the FRB unless the Commodity Office has requested that the remittances be sent to that office. Payment for certificates shall be deemed to have been made when payment is received at the FRB or the Commodity Office, except that if the due date for payment without interest falls on a Saturday, Sunday, holiday, or other non-work day of the FRB or Commodity Office, and payment is received on the next succeeding work day, it shall be deemed to have been received on the due date. Form CCC-145 will be issued for certificates sold by CCC, except that when certificates are purchased for wheat processed in a specific processing report period, CCC will establish a credit in favor of the food processor for the amount of the certificates purchased in lieu of issuing Form CCC-145.

3. Section 777.10(d) is amended by striking out the third sentence.

§ 777.12 [Amended]

4. Section 777.12(a) is amended to read as follows:

(a) *General.* Processing reports shall be submitted by each food processor as defined in § 777.3(f). Descriptions of the processing reports are set forth in §§ 777.13 and 777.14 and detailed instructions are provided in Appendices II and III. Processing reports which are accompanied by remittances for purchase of certificates shall be submitted to the FRB unless the Commodity Office has requested that the remittance be made directly to that office. Processing reports not accompanied by remittances shall be submitted to the Commodity Office. Addresses of FRB's are listed in Appendix VI.

5. Section 777.12(c) is amended by striking out the second sentence, and by adding at the end thereof the following: "If the due date of a report falls on a Saturday, Sunday, holiday, or other non-work day of the FRB or Commodity Office, and the report is received on the next succeeding workday, it shall be deemed to have been submitted on the due date."

6. Section 777.12(g) is amended to read as follows:

If it is found that an incorrect processing report has been submitted, the food processor shall promptly prepare and submit a corrected processing report with the applicable beginning and ending dates for the period involved indicated thereon. A consolidated corrected report may, with the approval of the Director, be submitted to cover more than one processing report period. Such report shall be identified as a "Corrected Report" and transmitted with a letter of explanation. If the processor is entitled to a certificate refund, he shall submit the corrected report to the Kansas City Commodity Office and indicate whether the amount of the refund should be paid to him or held for application to a subsequent report. If the processor is required to purchase additional certificates, he shall submit the corrected report together with his remittance for such certificates to the FRB, unless the Commodity Office requests that it be submitted directly to that office. If such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall be the face value thereof plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. Any food processor, who has made an incorrect processing report, corrected such report as provided in this section, and surrendered any additional certificates due with the corrected report, will not be subject to the forfeitures referred to in § 777.8 to the extent that the Administrator determines that the error in the report was due to an honest mistake and was not intentional or the result of gross negligence.

§ 777.15 [Amended]

7. Section 777.15 is amended by changing (b) of the first sentence to read as follows: "(b) to support all reports required by the regulations in this part".

8. Appendix II is amended by changing the first sentence to read as follows:

Food processors reporting on the weight of wheat basis shall submit an original and one copy of Processing Report-Weight of Wheat Basis, Form CCC-160, as set forth in § 777.12(a). * * *

9. Appendix III is amended by changing the first sentence to read as follows:

Food processors reporting on a food product conversion factor basis shall submit an original and one copy of the Processing Report-Conversion Factor Basis, Form CCC-159, as set forth in § 777.12(a). * * *

10. Appendix VI is added as follows:

APPENDIX VI—LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank	*Address*
Boston	30 Pearl Street, Boston, Mass. 02106.
New York	33 Liberty Street, New York, N.Y. 10045.
Buffalo Branch	160 Delaware Avenue, Buffalo, N.Y. 14240.
Philadelphia	925 Chestnut Street, Philadelphia, Pa. 19101.
Cleveland	1455 East Sixth Street, Post Office Box 6387, Cleveland, Ohio 44101.
Cincinnati Branch.	105 West Fourth Street, Post Office Box 999, Cincinnati, Ohio 45201.
Pittsburgh Branch.	717 Grant Street, Post Office Box 867, Pittsburgh, Pa. 15230.
Richmond	100 North Ninth Street, Richmond, Va. 23213.
Baltimore Branch.	114-120 East Lexington Street, Baltimore, Md. 21203.
Charlotte Branch.	401 South Tryon Street, Charlotte, N.C. 28201.
Atlanta	104 Marietta Street NW., Atlanta, Ga. 30303.
Birmingham Branch.	1801 Fifth Avenue North, Post Office Box 2574, Birmingham, Ala. 35202.
Jacksonville Branch.	515 Julia Street, Post Office Box 929, Jacksonville, Fla. 32201.
Nashville Branch.	301 Eighth Avenue North, Nashville, Tenn. 37203.
New Orleans Branch.	147 Carondelet Street, Post Office Box 61630, New Orleans, La. 70160.
Chicago	230 South La Salle Street, Post Office Box 834, Chicago, Ill. 60690.
Detroit Branch	160 Fort Street West, Post Office Box 1059, Detroit, Mich. 48231.
St. Louis	411 Locust Street, Post Office Box 442, St. Louis, Mo. 63166.
Little Rock Branch.	121 West Third Street, Post Office Box 1261, Little Rock, Ark. 72203.
Louisville Branch.	410 South Fifth Street, Post Office Box 899, Louisville, Ky. 40201.
Memphis Branch.	170 Jefferson Street, Post Office Box 407, Memphis, Tenn. 38101.

APPENDIX VI—Continued

Federal Reserve Bank	*Address*
Minneapolis	73 South Fifth Street, Minneapolis, Minn., 55440.
Helena Branch	400 North Park Avenue, Helena, Mont. 59601.
Kansas City	925 Grand Avenue, Kansas City, Mo. 64106.
Denver Branch	1111 17th Street, Denver, Colo. 80217.
Oklahoma City Branch.	226 Northwest Third Street, Oklahoma City, Okla. 73101.
Omaha Branch	102 South 17th Street, Omaha, Nebr. 68102.
Dallas	400 South Akard Street Station K, Dallas, Tex. 75222.
El Paso Branch	301 East Main Street, Post Office Box 100, El Paso, Tex. 79999.
Houston Branch.	1701 San Jacinto Street, Post Office Box 2578, Houston, Tex. 77001.
San Antonio Branch.	210 West Nueva Street, Post Office Box 1471, San Antonio, Tex. 78206.
San Francisco	400 Sansome Street, San Francisco, Calif. 94120.
Los Angeles Branch.	409 West Olympic Boulevard, Post Office Box 2077, Los Angeles, Calif. 90054.
Portland Branch.	915 Southwest Stark Street, Post Office Box 3456, Portland, Oreg. 97208.
Salt Lake City Branch.	120 South State Street, Post Office Box 780, Salt Lake City, Utah 84110.
Seattle Branch	1015 Second Avenue, Post Office Box 3567, Seattle, Wash. 98124.

Effective date. It is proposed that this amendment be effective with respect to remittances made beginning on September 1, 1967.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9370; Filed, Aug. 9, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1967, through February 29, 1968, will amount to $500.

(2) That there be fixed, at $0.05 per bushel basket, or equivalent quantity of peaches in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 7, 1967.

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

[F.R. Doc. 67-9397; Filed, Aug. 9, 1967; 8:50 a.m.]

[7 CFR Part 1034]

[Docket No. AO 175–A25]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Milk in the Dayton-Springfield, Ohio, marketing area (to be newly designated as Miami Valley, Ohio marketing area).

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dayton, Ohio, on January 10–12, 1967, pursuant to notice thereof issued on December 14, 1966 (31 F.R. 16204).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on June 8, 1967 (32 F.R. 8591; F.R. Doc. 67-6621) 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. 8591; F.R. Doc. 67-6621) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. Under Issue 2 *Basis for an expanded marketing area*, two new paragraphs are added after the 19th paragraph.
2. Under Issue 3 *Milk to be priced and pooled*, the third and fourth sentences in the seventh paragraph are revised.
3. Under Issue 3 *Milk to be priced and pooled*, paragraphs 12–15 are revised by substituting five paragraphs.
4. A new paragraph is added at the end of Issue 3 *Milk to be priced and pooled*.
5. Under Issue 4(a) *Classification of milk*, the 15th paragraph is revised by substituting two paragraphs.
6. Under Issue 4(b) *Allocation*, a new paragraph is added after the third paragraph.
7. Under Issue 5 *Class Prices and Location Differentials*, paragraph 44 is revised by substituting two paragraphs.
8. A new paragraph as Issue 6(c) is added at the end of Issue 6(b) *Administrative provisions*.

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

1. Equivalent prices;
2. Expanding the marketing area;
3. Milk to be priced and pooled;
4. Classification and allocation;
5. Class prices and location differentials; and
6. Revising and reissuing the entire order (to apply to the "Miami Valley, Ohio marketing area") and incorporating a number of other clarifying and conforming changes in the administrative provisions of the order.

Separate consideration was given in an earlier decision issued on February 15, 1967 (32 F.R. 3064) to Issue No. 1 "Equivalent Prices" and an "equivalent prices" provision was made effective in the Dayton-Springfield order on February 28, 1967, and is included also in the order which is part of this decision.

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

2. *Basis for an expanded marketing area.* The order for the current Dayton-Springfield, Ohio, market should be expanded to include all territory geographically within the seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio. The expanded marketing area would be renamed as the "Miami Valley, Ohio, marketing area". The enlarged marketing area should include all reservations, installations, institutions, or other similar establishments therein which are occupied by municipal, State, or Federal authorities. Marketing conditions throughout such expanded marketing area are such that the purposes of the Act will be served by their inclusion under the regulation.

The handling of milk in the proposed Miami Valley, Ohio, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is substantial competition for route sales of fluid milk products between persons to be regulated by the proposed Miami Valley order and handlers under other orders. Distribution is made in the proposed marketing area by handlers regulated under the Northwestern Ohio, Greater Cincinnati, Indianapolis, Northeastern Ohio, and Columbus orders. These marketing areas include territories in the States of Michigan, Indiana, Kentucky, and Ohio. Milk used for fluid milk and milk products under each of the latter orders is in the current of, or burdens or affects interstate commerce in milk or its products.

One handler presently regulated under the Dayton-Springfield order distributes packaged sterilized cream products in the proposed area which are purchased from a firm in California. Moreover, fluid milk products distributed by persons not under regulation at present are in direct competition in the fluid trade within the proposed marketing area with milk bottled and distributed by handlers from the Dayton-Springfield market and the above markets.

Dayton-Springfield handlers receive their producer supplies of milk from farms located in Indiana and Ohio which milk is commingled in most plants serving the proposed area. Substantial amounts of producer milk in excess of regulated handlers' fluid milk requirements also are regularly moved to the principal cooperative's plant in Dayton for manufacture into nonfat dry milk which is disposed of in a market of national scope.

A primary purpose of a Federal order is to assure orderly marketing conditions for milk producers. Pursuant to statutory authority this is accomplished by establishing minimum uniform prices to be paid by handlers according to the use made of milk received, and a uniform basis for distributing returns to the producers for their milk.

Not all milk distributed in the proposed expanded area is under a classified price plan which insures uniformity of pricing for persons similarly situated. In the case of unregulated milk, prices to producers presently reflect the particular bargaining situation of individual producers, or groups of producers, and the persons to whom they sell. Generally, the unregulated distributors distributing milk therein pay their dairy farmers a price equivalent to, or slightly higher than, the Dayton-Springfield blend price. These prices are not closely related to the use made of the milk since practically all the milk of the unregulated distributors is in Class I. Other handlers in the market, however, must pay minimum Class I prices as determined under the Dayton-Springfield or some other Federal order.

The order included herein for the expanded marketing area will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions, and thus provide the basis for insuring an adequate and dependable supply of milk for consumers, as further discussed below. The principal measures to be employed for this purpose are:

(1) The determination of minimum prices to producers delivering to handlers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(2) The establishment of uniform pricing to all handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(3) An impartial audit of handlers' records of receipts and utilization to insure uniform prices for milk purchased;

(4) Assurance of accurate weights and tests of the milk of all producers;

(5) Provision for payment of uniform prices to producers supplying the market based upon an equitable sharing by all producers of both the higher returns from Class I milk and the lower returns from the sale of reserve milk; and

(6) Publication of information on milk receipts and sales and other data relating to milk marketing in the area.

The present Dayton-Springfield, Ohio, marketing area consists of the cities of Dayton, Oakwood, and Springfield and 11 specified townships in Clark, Greene, and Montgomery Counties, Ohio.

The major cooperative association in the market proposed extending the marketing area to include the 11 counties of Auglaize, Champaign, Clark, Darke, Greene, Logan, Mercer, Miami, Montgomery, Preble, and Shelby, Ohio. Four of the presently regulated handlers supported the producers' proposal and proposed also the inclusion of the counties of Clinton, Highland, and Ross, Ohio.

Proponent cooperative stated that its proposal to expand the marketing area is designed to include practically the entire sales area of presently regulated Dayton-Springfield handlers. They pointed out that such handlers' distribution routes now extend into all of the proposed counties and are not limited to the cities and townships in the present Dayton-Springfield marketing area. Since the establishment of the present marketing area in 1945, a substantial population growth has occurred in certain of these outlying areas and handlers' routes have followed this growth.

The association proposed inclusion of the 11 counties for the further purpose of assuring regulation under the Miami Valley order of the bulk of its members' milk and in the interest of uniform pricing among producers throughout the area. The association stated that in pursuit of these objectives its bottling plant located within the proposed marketing area at Greenville in Darke County (approximately 37 miles from Dayton), should be regulated under the Miami Valley order rather than under the Indianapolis order as at present in order that producers at that plant may receive a minimum uniform price comparable to that in the Dayton-Springfield milkshed where supplies for such plant are produced.

Unregulated distributors with plants at Bellefontaine, Minster, Sidney, Hillsboro, and Chillicothe, a cooperative association at Cincinnati, and a handler regulated under the Tri-State order were opposed to certain of the proposals for expansion. A handler located at Yellow Springs, Ohio (Greene County), requested exemption from regulation for raw milk bottled on his farm in the event of expansion of the regulation so as to cover his operation.

The two distributors at Sidney and Minster testified in opposition to expansion of the marketing area in any manner which would regulate their operations. They stated their belief that they would be unable to continue in business if required to pay class prices and make the necessary reports to the market administrator. They asserted that stable marketing conditions presently prevail in their area that supplies are adequate, and that their dairy farmers are satisfied with present pricing policy. In his brief, a Bellefontaine distributor proposed exclusion of Logan, Mercer, and Miami Counties from the marketing area. He supported the position taken by the other two distributors and contended that their supplies of milk could be jeopardized if the area were so expanded. Certain dairy farmers at these plants supported the position of their distributors.

The seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio, which is herein proposed as the Miami Valley marketing area, represents the principal sales area of the handlers now regulated by the Dayton-Springfield order. They distribute, in the aggregate, over 77 percent of the milk sold for fluid consumption in this area.

The marketing area should be defined mainly on the basis of county rather than city or township lines because much of the population is outside the several sizable cities located within such seven-county area. The 1966 population for the area adopted was about 1.1 million as compared to a population of about 600,000 for the present Dayton-Springfield marketing area. The sanitary requirements of the State of Ohio, which are patterned after the U.S. Public Health Ordinance and Code, now apply to milk for human consumption throughout both the present and the expanded marketing areas.

The proposed area, which extends out from Dayton and Springfield, is located in between the marketing areas of the Columbus, Ohio, order on the east, the Greater Cincinnati order on the south, and the Indianapolis order on the west. Handlers from all these markets distribute fluid milk products in the proposed Miami Valley marketing area but not to the same extent as present Dayton-Springfield handlers or the unregulated distributors with Class I sales in the area.

Montgomery, Greene, and Clark Counties, which include all the territory within the present marketing area, are served primarily by Dayton-Springfield regulated handlers. They distribute about 82 percent of the bottled milk for these counties. Except for minor sales made by one unregulated distributor, consisting of

his own production and packaged fluid milk products purchased from a regulated plant, the remaining sales are made by handlers regulated under other Federal orders, including the Indianapolis regulated distributing plant of the Miami Valley Cooperative Milk Producers at Greenville, Ohio.

Class I sales in Champaign, Miami, and Preble Counties also are made mainly by handlers under the Dayton-Springfield order. These counties represent an area of urban expansion from the more heavily populated counties of Montgomery, Greene and Clark. In fact, over 90 percent of the total population for the entire area to be regulated is concentrated in the four counties of Clark, Greene, Miami, and Montgomery which include Dayton and Springfield and their environs. The Class I distribution of Dayton-Springfield handlers represent in total over one-half of the Class I consumption in these counties. As to the individual counties, such handlers distribute about 66 percent of the total fluid milk sold in Champaign County, 47 percent in Miami County, and 44 percent in Preble County. While Dayton-Springfield handlers are, for the most part, the dominant sellers in the three counties, additional Class I sales are made in each of these counties by other regulated handlers from at least one of the Greater Cincinnati, Indianapolis, Northeastern Ohio, Northwestern Ohio, and Columbus, Ohio, markets.

One presently unregulated distributor filed an exception to the inclusion of Miami County in the marketing area, apparently because of the possibility that the fluid milk sales of his company in such county would bring it under regulation. One Dayton-Springfield regulated handler and another presently unregulated distributor took exception to the exclusion of Auglaize, Darke, Logan, Mercer, and Shelby Counties. The latter distributor, although making an appearance at the hearing, did not testify concerning his areas of distribution.

Miami County is suburban to the major city of Dayton and, as stated above, is an area in which there is a rapid growth of population. Dayton-Springfield handlers are the dominant sellers in this county. A uniform price plan on all milk sold in such county will promote orderly marketing. As to the other counties referred to above the quantity of unregulated milk remaining will be indeed small. It may not be concluded from the evidence that there will be undue price disadvantage for regulated handlers selling in such counties.

Class I sales of Dayton-Springfield handlers and other order handler together represent more than 72 percent of total Class I sales in Champaign County, and 69 percent in Miami County. All Class I sales in Preble County are by Dayton-Springfield or Indianapolis handlers.

A handler proposal would add Clinton, Highland, and Ross Counties to the marketing area. This proposal should be adopted only with respect to the area in Clinton County exclusive of the townships of Clark, Green, Jefferson, and Washington.

Dayton-Springfield handlers supported addition of the three counties on the basis that they regularly distribute Class I milk in such counties. It was their general position that full regulation of local distributors in such counties, who are currently "partially regulated" under the Greater Cincinnati order, would result in more uniform and stable selling prices of bottled milk by all persons distributing milk in such counties. The principal cooperative supported this proposal.

Four Dayton-Springfield regulated handlers distribute 57 percent of the total fluid milk sales in Clinton County. One such handler has a distributing plant at Dayton and a distribution point and cottage cheese manufacturing plant at Washington Court House. About 30 percent of the sales for the entire county are made by Cincinnati regulated handlers.

When the four townships of Clark, Green, Jefferson, and Washington, in the southeastern portion of Clinton County, are excluded, the majority of sales in the balance of the county is made by the Dayton-Springfield handlers and the remainder by Cincinnati regulated handlers. The inclusion of the area in Clinton County outside the four townships will contribute to orderly marketing conditions by assuring classified pricing as to all milk which may be distributed in this area primarily served by Dayton-Springfield handlers.

The seven counties (excluding the southern four townships of Clinton County) discussed above when taken together form a contiguous area in which handlers who would be regulated by the order handle about 80 percent of the total Class I sales. Most of the remaining sales are made from plants regulated by other Federal orders. Expansion of the marketing area to include the seven counties is necessary to assure Dayton-Springfield handlers that as to their primary areas of distribution, presently unregulated competitors will not be afforded significant price advantage in the purchase of milk for fluid sale. Orderly marketing will be promoted through application of classified pricing.

It is therefore concluded that the expanded area should include Champaign, Clark, Clinton (excluding the previously named townships) Greene, Miami, Montgomery, and Preble Counties.

Two local distributors, located at Hillsboro (Highland County) and Chillicothe (Ross County) presented opposition testimony on Clinton, Highland, and Ross Counties. As to Clinton County they particularly opposed inclusion of the four above-named townships. They requested that if such areas were to be included, the hearing be reopened to consider also the addition of Adams and Brown Counties which are an important part of their sales areas. There were no proposals for the addition of the latter counties before this hearing, however.

The Hillsboro and Chillicothe distributors opposed inclusion of Highland and Ross Counties on the following grounds:

1. The substantial quantities of milk they distribute in other unregulated areas (Adams and Brown Counties) are in competition with milk of an unregulated distributor there and with milk of other order handlers.

2. They are not a part of the Dayton-Springfield "market system" since, unlike most Dayton-Springfield handlers, they do not, and are not situated so as to rely on the Dayton cooperative to take unneeded reserve supplies of milk or to furnish them with supplemental supplies.

3. Very few dairy farmers in the supply area for these distributors ship to Dayton-Springfield handlers but rather are identified with the Columbus, Tri-State, and Cincinnati markets.

4. Highland and Ross Counties are rural with low population density, and are at some distance from the main centers of the proposed Miami Valley market.

5. Class I sales by Dayton-Springfield handlers represent far less than a majority of the sales made in these counties. It was contended that surveys of Dayton-Springfield handler sales in the two counties introduced into the record by proponent handlers tend to overstate such sales because the data used to indicate total consumption in this rural area reflected consumption studies in urban areas of characteristically higher per capita consumption than rural counties

6. These counties should remain as a buffer zone between the Columbus, Tri-State, Greater Cincinnati, and Dayton-Springfield markets.

A representative of a cooperative association in the Greater Cincinnati market also opposed the addition of Clinton and Highland Counties and a regulated handler under the Tri-State order opposed the addition of Ross County. From a survey of distributor brands of fluid milk products in stores in selected cities and towns in Clinton and Highland Counties, the Cincinnati representative estimated that about 63 percent of the sales in the two counties were made by Cincinnati regulated handlers, 16 percent by Dayton-Springfield regulated handlers, and 16 percent by unregulated distributors. It was his conclusion that with Cincinnati handlers representing such a large percentage of sales in these counties, orderly marketing would not be best served by their inclusion in the Miami Valley marketing area.

The Tri-State handler proposed that if Highland and Ross Counties were added to the proposed Miami Valley market, consideration should be given to withdrawing Scioto and Pike Counties from the Tri-State marketing area and including such counties together with Adams County in the Miami Valley marketing area because of the close relationship between Highland and Ross Counties and such other areas.

Proponent handlers for expanding the area to include Highland and Ross Counties claimed to distribute in total about 34 and 41 percent, respectively, of the Class I sales in such counties. The Hillsboro distributor estimated, on the

other hand, that as to Highland County, Dayton-Springfield handlers distribute only 23 percent of the total Class I sales. The Chillicothe and Hillsboro distributors stated their distribution as about 44 percent of the total Class I sales in Highland County compared to a figure of 37 percent submitted by proponent handlers. In Highland County, sales also are made by two handlers under the Columbus, Ohio, order and by three handlers under the Greater Cincinnati order. Proponent handlers estimated further that the local distributors make 33 percent of the sales in Ross County. Sales in Ross County are made also by two handlers under the Columbus, Ohio, order, a handler under the Greater Cincinnati order, and two handlers under the Tri-State order. Dayton-Springfield handler distribution represents substantially less than a majority of Class I sales in each of Highland and Ross Counties, and in the aggregate such sales amount to less than 2 percent of the total Class I sales of the Dayton-Springfield market.

The local distributor at Chillicothe does not distribute outside Ross County but bottles some milk for the Hillsboro distributor and for a distributor at Georgetown, Ohio, partially owned by the Hillsboro distributor. The Hillsboro distributor processes and packages some milk for the Chillicothe distributor and for the Georgetown distributor which milk is sold primarily in unregulated areas in southern Ohio. The Hillsboro distributor also packages Class I milk for a Columbus regulated handler at Washington Court House.

The sales area of the Hillsboro distributor extends south into Adams, Brown, Clark, and Pike Counties, which were not proposed to be added to the Miami Valley marketing area. This distributor sells about 37 percent of his own Class I sales in Adams and Brown Counties, plus about 15 percent of the Class I milk of the Chillicothe distributor. The Georgetown distributor who buys his entire supply of bottled milk from the two local distributors also makes sales in Adams and Brown Counties, in Highland County, and in several townships of Clermont County (Greater Cincinnati marketing area). The Columbus handler at Washington Court House distributes milk in Fayette (Columbus, Ohio, marketing area) and Highland Counties.

The partial regulation of the local plants at Chillicothe and Hillsboro under the Greater Cincinnati order at the present time indicates a relationship to that market at least as strong as that shown with the present Dayton-Springfield market. Moreover, the principal sellers in Highland and Ross Counties also distribute a substantial portion of their Class I sales in the unregulated counties of Adams and Brown not under consideration at this time. In view of these considerations, the Miami Valley marketing area should not be extended to include the four named townships in Clinton County or Highland and Ross Counties on the basis of this record.

As previously noted, the producer's proposal would also expand the marketing area to include five less intensely populated counties, Auglaize, Darke, Logan, Mercer, and Shelby, generally north and west of the marketing area herein adopted. In these counties there are only three cities exceeding a population of 10,000, Sidney (Shelby County), Greenville (Darke County) and Bellefontaine (Logan County). Furthermore, the total population of only one county, Darke (47,800), exceeds 40,000.

Sales in this five-county area are made by four unregulated distributors, certain Dayton-Springfield regulated handlers and regulated handlers from the Indianapolis, Northwestern Ohio, Northeastern Ohio, Greater Cincinnati, and Columbus, Ohio, markets. Two of the unregulated distributors, with relatively low volume plants at Minster and Sidney, Ohio, distribute practically their entire Class I sales within this five-county area. The unregulated distributor at Bellefontaine (Logan County) also distributes milk in at least one of these counties. A fourth unregulated distributor from Van Wert distributes minor volumes of Class I milk in Auglaize County.

Three Dayton-Springfield handlers distribute about 32 percent of the total fluid milk sold in Auglaize County, 37 percent in Darke County, 33 percent in Logan County, 70 percent in Mercer County and 46 percent in Shelby County. The principal Dayton-Springfield handler in this area distributes milk from a plant at New Bremen (Auglaize County). In the aggregate Dayton-Springfield regulated handlers distribute about 10 percent of their total Class I milk volume in this area.

A principal distributor in four of these counties is the cooperative's Indianapolis regulated Greenville plant which distributes about 47 percent of the total Class I milk sold in Darke County, 11 percent in Auglaize, 9 percent in Mercer County, 4 percent in Shelby County and 2 percent in Logan. The Greenville distributing plant is located in Darke County near the Ohio-Indiana State boundary. About 85 percent of the milk handled by the Greenville plant is for fluid milk products. A large proportion of its Class I sales are made to a grocery chain which moves the milk to a distribution center in the Indianapolis marketing area, most of which is distributed through its stores in eastern Indiana. The Indianapolis Class I price is subject to a minus 13-cent location adjustment at the Greenville location.

The cooperative, in proposing expansion of the marketing area, stressed the importance of achieving uniformity of pricing throughout the area it proposed. Fundamental to achieving reasonable uniformity of pricing in these five counties, however, is the regulation of the cooperative's Greenville distributing plant under the expanded Miami Valley order rather than under the Indianapolis order. However, this record gives no assurance that even if these five counties were included such plant would become subject to regulation under the Miami Valley order on the customary criterion of making greater sales in the Miami Valley marketing area than in the Indianapolis marketing area.

The average of Class I prices for 1965-66 at the Greenville distributing plant was about 25 cents less than the applicable price for Dayton-Springfield handlers. We see no purpose in including these counties unless there is opportunity to achieve greater price uniformity than currently prevails. It seems unlikely that this could be accomplished without regulating the Greenville plant, a major distributor in these counties, under this order. Under present circumstances this would require making the Greenville plant a "captive" plant under this order.

There were no problems presented which would justify such action. Competitive problems in selling milk in the five counties were not stressed by proponent or by any other handler and the record shows no appreciable adverse effect on producer returns. Rather, the cooperative stressed mainly that internal administrative and operational problems of the cooperative involving its Greenville and Dayton plants could be minimized if both plants were under a single regulation.

In view of the above considerations it is therefore concluded that the proposed inclusion of Auglaize, Darke, Logan, Mercer, and Shelby Counties should be denied.

Although some of the route disposition of handlers to be regulated will extend beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to stretch the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it will encompass the great bulk of the fluid milk sales of handlers to be regulated.

All producer milk received at regulated plants must be made subject to classified pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler

were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

In the course of operation of the order the question could arise as to whether territory within the boundaries of the designated marketing areas which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments is considered to be within the marketing area. In order that there will be no doubt as to the scope of the marketing area, the definition states that the marketing area shall include any territory wholly or partly therein which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments.

3. *Milk to be priced and pooled.* In general terms, milk produced in compliance with the Grade A inspection requirements of a duly constituted health authority which is received regularly at plants primarily engaged in processing milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants, should be made subject to pricing and pooling.

The following principal definitions included in the attached order serve to identify the specific types of milk and milk products to be subject to full regulation, and those persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are: "Route disposition", "distributing plant", "supply plant", "pool plant", and "nonpool plant". Definitions of persons include: "Producer", "handler", and "producer-handler". Definitions relating to milk and milk products are: "Producer milk", "fluid milk products", and "other source milk". The application of certain of these definitions is discussed in detail. Other definitions used are deemed to be self-explanatory.

Pool plants. It is essential to the operation of the order to distinguish between those plants substantially engaged in serving the fluid needs of the regulated market and those plants which are not.

It is particularly important to establish minimum performance standards for plants which serve the market in a way, or to a degree, that they should be included in the market pool which provides the means of paying uniform returns to all producers on the market. This is one of the essential means of assuring the market of adequate and dependable supplies of milk. Otherwise the proceeds of the higher Class I price for milk sold in the fluid market would be dissipated on milk acquired by handlers primarily for manufacturing purposes and not go to the primary purpose of assuring an adequate and dependable supply for the fluid market.

The marketing performance standards also serve to minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. As described elsewhere, such handlers would be made subject to partial regulation. Nevertheless, any plant, wherever located, may qualify as a pool plant if it meets the marketing performance standards for regulation. These standards are similar for all plants similarly circumstanced.

Pool distributing plant. Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards for pooling are provided.

To qualify as a pool plant, a distributing plant would be required to meet performance standards as to both the proportion of its supply used in fluid disposition and its disposition in the marketing area. Thus, pool distributing plants would include only those plants primarily engaged in route distribution of fluid milk products. The plant's total route distribution both inside and outside the marketing area should be at least 50 percent of its receipts of Grade A milk from dairy farmers, from other plants (excluding receipts of bulk fluid milk products from other plants classified as Class II milk by agreement), and from cooperatives as handlers during each month from August through January, at least 45 percent during February and March and 40 percent during each month in the April through July period. As to route disposition in the marketing area it should be, in each month, at least 15 percent of the plant's total route disposition.

The principal cooperative proposed a somewhat different basis for pooling. It proposed that a distributing plant's Class I total route sales should amount to at least 50 percent of its dairy farm receipts during each month April through July and to at least 60 percent of such receipts during each month August through March. The main support for this proposal was a statistical table showing that, with the exception of one plant regulated by the present Dayton-Springfield order, all currently regulated plants reasonably could meet such proposed minimum performance requirements.

A handler proposal, one of three alternatives suggested, would modify the producers' method for pooling a distributing plant by permitting any such plant which has disposed of at least 50 percent of its receipts as route disposition in the marketing area for the months of August through April, to be automatically qualified for pooling May through July. A second alternative would distinguish the separate parts of any pool distributing plant which processes Grade A milk and also has a Grade B manufacturing operation so as to regulate, as a pool plant, only that portion where Grade A milk may be processed. As a third alternative basis for pooling, this handler proposed combining the receipts and Class I utilization for distributing plants when two are operated in the market by the same handler, thus permitting determination of pooling status on the basis of the combined performance of the plants in meeting the minimum total utilization requirement.

These proposals were designed as alternative methods of assisting a pool distributing plant to receive milk from handlers and other nonproducer sources for manufacturing without jeopardizing its pool plant status.

Such handler operates two Dayton-Springfield regulated distributing plants, located at Dayton and New Bremen. The New Bremen plant receives about 12 percent of its total Class I sales in gallon and 10-quart dispenser units from its Dayton plant while the New Bremen plant supplies the Dayton plant with cottage cheese and related products. It was contended that a handler with plants presently in the market should not be forced by the order to reduce efficiency by having to divide operations to modify the total Class I percentage at each plant simply in order to meet the minimum performance standards on an individual plant basis.

The proposal to permit automatic pooling of distributing plants in certain months should not be adopted. The requirement that a distributing plant shall not have total route disposition less than 40 percent of receipts in any month is necessary to assure that the plant is primarily engaged in the distribution of fluid milk products at all times. The adoption of the revised requirements will accommodate existing operations and should promote the efficient handling of milk on the market by all handlers while discouraging the addition of milk supplies to the pool simply for manufacturing purposes.

The recommended decision provided that the 50 percent minimum requirement should apply August through February and that only those distributing plants which had met such requirement during each month of the preceding August through February period would be permitted to meet a lower 40 percent requirement in the months of March through July. All other distributing plants would be held to the 50 percent minimum in the latter months. After review of the exceptions, however, it is concluded that opportunity to meet the 40 percent minimum requirement April through July should not be contingent on the plant's performance during part or all of the preceding August through March. Moreover, a plant should not lose pool status if the minimum requirement for any 1 month is missed. A more orderly market supply situation will be promoted if a distributing plant is permitted to meet the monthly shipping requirement for the current month or for the immediately preceding month to retain pooling status in the current month.

Proponent handler's other proposals for assuring pool plant status for its two distributing plants should not be adopted. The proposal to qualify distributing plants operated by the same handler on the basis of combined performance will not tend to insure that the pool is adequately protected from dissipation of its

funds by plants and dairy farmers not regularly associated with this market. On the other hand, the requirements provided herein for pooling distributing plants are reasonable in relation to experience with past performance by all plants in the market.

The second alternative proposal, i.e., to separate the Grade A and Grade B operations of a plant, is not necessary to meet proponent's situation or any other situation indicated on the record. The need for such separation is avoided by considering only receipts of Grade A milk directly from producers, from other plants (excluding receipts of bulk fluid milk products from other plants classified as Class II milk by agreement), and receipts from any cooperative as a handler, as the base for determining the percentage of route disposition to receipts necessary for qualification as a pool distributing plant. Thus, all ungraded milk and bulk fluid milk products received from other plants which is classified as Class II milk would be considered as other source milk and excluded from the base used in determining the qualification of a pool distributing plant.

These minimum pooling standards for a distributing plant will facilitate coordination in the marketing of milk from a supply area common to several markets.

The principal purpose of a minimum requirement on in-area distribution for pooling eligibility is to assure that the distributing plant is associated with the market in a significant and regular manner since the producers at pool plants are eligible to share in the monthly Class I proceeds of the market. Under the Dayton-Springfield order a distributing plant becomes regulated on the basis of any distribution within the marketing area. It is concluded, however, in consideration of the marketing area defined, that route disposition in the marketing area of 15 percent or more of the plant's total Class I route disposition will provide an appropriate measure of a plant's association with the market.

A distributing plant having more than 85 percent of its Class I route disposition outside the marketing area should not be considered substantially associated with this local fluid market and therefore should not be subject to full regulation. Full regulation in this circumstance is not necessary to achieve the ends of the regulation in this market.

The performance standards for pooling would not restrict any milk plant operator from disposing of any fluid milk product in the marketing area. Virtually any plant having more than minor, or accidental, association with the fluid milk market could be eligible for pooling. On the other hand, the operator of any plant only marginally associated with the fluid milk market has reasonable opportunity to make a choice of full or partial regulation, whichever might better serve his interest.

Limited quantities (as provided in the attached order) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it is concluded that in present circumstances the application of "partial" regulation to plants having less association than required for marketwide pooling (as later discussed) will not jeopardize marketing conditions within the regulated marketing area. Official notice was taken at the hearing of the June 19, 1964, decision (29 F.R. 9002) supporting amendments to several orders, including the Dayton-Springfield order, in which the matter of partial regulation was discussed.

The operator of any partially regulated plant would be afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk. They should be adopted in this order to complement the pooling requirements on fully regulated plants adopted herein.

Pool supply plant. A supply plant should be pooled in any month in which at least 50 percent of its receipts of Grade A milk from dairy farmers at such plant during the month is shipped as fluid milk products to pool distributing plants or is disposed of as route disposition within the marketing area from such plant during the month.

This basis of determining the pool plant status of a supply-type plant will provide reasonable assurance that only a supply plant which is clearly associated with this market rather than some other market will be subject to full regulation under this order.

A supply plant from which a lesser proportion of milk is received at pool distributing plants should not be considered as primarily associated with this market and therefore should not be fully regulated. On the other hand the higher percentage (65) proposed by producers is not necessary to insure a sufficient supply of milk for the market. At the present time, the market is mostly supplied with direct-shipped milk. There are no regular supplies which come from country supply plants. This market should be in a position to procure its needs if the minimum performance requirements are similar to those in other nearby regulated markets. A minimum percentage of 50 will place all such markets on substantially equal terms in this regard.

A supply plant which meets the 50 percent shipping standard during each of the months of August through March should be designated as a pool plant for the succeeding months of April through July (unless a written request for nonpool status is submitted to the market administrator) even though in such months such minimum shipping percentage is not met.

As previously stated, distributing plant operators in this market do not rely upon supply plants to any great extent since in most cases direct shipments from farms relatively close to the market are sufficient to fulfill their fluid needs, and especially so in the flush production months. In the circumstances, there is no apparent reason why the order should be constructed at this time so as to require the operator of a supply plant which may become a pool plant to make shipments of milk to pool distributing plants during the flush production months in order to maintain pool plant status. Such shipments might well be made at needless expense. A supply plant meeting the regular shipping requirements for pooling in each of the short production months of August through March would demonstrate its association with the market.

The definition of supply plant should accommodate the efficient operation of a cooperative's "balancing" or "supply equalization" plant. The major cooperative operates a supply equalization plant which assists it in providing proprietary handlers with whom it has selling arrangements for member milk the precise amounts of milk which such handlers require and in disposing of quantities which the latter do not require. Handlers' needs vary widely during the week, with supply requirements increasing on heavy bottling days and diminishing to little or no milk needs on other days, such as weekends, when no milk is bottled.

While the supply equalization plant is an integral part of the entire supply arrangement for this market, its receipts and shipments fluctuate in such a manner that it likely could not meet the normal minimum shipment requirements for a supply-type plant. The operation of such plant in this market, however, assists all producers in realizing the best possible utilization of milk.

Because of its important function such plant should be qualified for pooling. Since producer milk received at this plant represents, however, a relatively small portion of the total supply of the cooperative, the cooperative should have opportunity to qualify milk at such plant for pooling on the basis of the cooperative's total function of supplying handlers with milk. Because of the preeminence in this market of the bulk tank delivery method (primarily under the auspices of the cooperative) as the most efficient method of furnishing the primary needs of handlers, such direct-ship milk should count toward the qualification of the supply equalization plant.

Thus, if a cooperative furnishes to proprietary handlers under the order 50 percent or more of its total member milk either by direct delivery from farms or

through its supply equalization plant, it should have the same opportunity of pooling the producer milk received at such plant as a regular supply plant which qualifies receipts by meeting the minimum shipping standard, even though a substantial portion of the milk received at the supply equalization plant is not actually delivered to other handlers during any given month. Such milk should be recognized as part of the total producer milk supply of the market.

Provision has been made where a cooperative equalization plant may elect nonpool plant status at any time that it does not meet the minimum shipping requirements for a pool supply plant. Obviously, a request for nonpool status would be made only under circumstances where the plant has acquired substantial Class I sales in another market. The order should not permit an association to pool its entire reserve milk supply in this manner, however, unless all the Class I sales associated with such reserves are also included in the market pool. Accordingly, provision is made that should an association elect nonpool plant status under this order for its supply equalization plant in any month, such plant should be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify as a pool supply plant under the regular shipping requirements of 50 percent of receipts from Grade A dairy farmers.

A particular distributing or supply plant may meet the pooling requirements of more than one Federal order. Generally speaking, when the pooling requirements of two orders are met the plant is regulated only under the order for the marketing area in which the greater volume of Class I sales are made from the plant. It is possible, however, that a distributing plant may have virtually the same volume of distribution in each of the two regulated markets, and with very minor changes in the proportions distributed in the two markets, the plant could be shifted from one regulation to the other on a month-to-month basis. This occurrence would not be in the interest of orderly marketing of producer milk.

It is concluded, therefore, that the general basis for regulatory treatment in such situations as provided in the current Dayton-Springfield order be adopted with certain modifications. A pool distributing plant which also meets the pooling requirements under another order would be pooled under this order if during the current month (1) it meets the pooling requirements, and (2) a greater volume of its fluid milk products is disposed of in the marketing area in the current month and for each of the three months immediately preceding.

Further, a supply plant which meets the pooling requirements under this order, as well as those of another order, would be exempt from this order unless the plant elects nonpool status under the other order. This will assure that any supply plant which may associate some milk with this pool will be regulated under this order only if it maintains a continuing association with the market. This is particularly important in view of automatic pooling privileges provided for certain months under nearby orders.

In both circumstances, the handler would be required to file receipts and use reports with respect to the plant and permit verification thereof by the market administrator, even though it may otherwise be exempt from this order.

The "nonpool plant" definition as presently included in the Dayton-Springfield order should be expanded to include a "partially-regulated distributing plant" and an "unregulated supply plant." Presently this definition includes an "other order plant" and a "producer-handler plant." Other findings with respect to such plants are included in another section of this decision. This term will facilitate reference to specific types of nonpool plants elsewhere in the order. The term applies to any milk manufacturing, processing, or distributing plant which is not a pool plant during the month.

The order also should contain a definition of "route disposition" to assist in the identification of those plants which are to be subject to regulation. "Route disposition" therefore is defined as any delivery of a fluid milk product classified as Class I to retail or wholesale outlets other than a pool plant or nonpool plant. Pickup by a vendor at a plant and sales through vending machines would be considered as route disposition from the plant where the milk was processed and packaged. This would apply also to fluid milk products custom-packaged for another handler. In addition, as to fluid milk products moved from a milk plant to a distribution point, the distribution beyond any such point also would be considered as route disposition from the plant where packaged.

Definitions of persons. The term "handler" should be defined to include any person who operates a distributing plant or a supply plant. It also should include any cooperative association with respect to producer milk which it causes to be delivered by bulk tank to other handlers or which it diverts in accordance with terms set forth in the "producer milk" definition discussed elsewhere in these findings. A "producer-handler," and any person operating a nonpool plant categorized as a "partially regulated distributing plant" or an "other order plant," should be designated as a "handler" also.

Such a definition is necessary to designate those persons who must report the sources and the utilization of their Grade A milk supply, the handling of which (except in the case of a producer-handler) is to be regulated either partially or fully, and who are responsible for paying for milk in accordance with the terms of the order. This definition expands that of the present Dayton-Springfield order to designate persons operating certain categories of nonpool plants and to define the responsibility of cooperatives as to certain of their handling activities.

Milk for which a cooperative association is the responsible handler but which is not delivered to another handler's pool plant remains the responsibility of the association in all respects—classification, accounting, and payment. Such milk could be that diverted for the account of the association, or shrinkage (in this instance the loss of volume between farm and plant) of farm bulk tank milk on which the basis of settlement with the pool plant operator was not at the farm weights and butterfat tests.

A producer-handler should be defined as any person who operates a dairy farm and a distributing plant and who receives fluid milk products only as milk from his own-farm production or from sources where priced as Class I under a Federal order. This definition conforms in principle to the definitions of producer-handler under other Federal orders. Producer-handlers are essentially exempt from regulation except for making reports to determine their status.

A producer-handler, as distinguished from a pool handler who would be fully regulated, distributes to retail or wholesale outlets milk which is mostly from his own-farm production. A pool handler, on the other hand, markets milk received from producers or from other pool plants. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition.

He is, therefore, generally in a position to adjust his farm production closely to the needs of his fluid milk business and, in turn, assumes himself the burden of maintaining the reserve supply of milk associated with his fluid milk operations. When an individual operates a dairy farm and a fluid milk business in such manner, it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price.

The situation in this market makes it appropriate that the producer-handler's exemption from pooling and pricing be contingent upon his meeting certain conditions. Such requirements are necessary to assure that his sale of milk will not have a disruptive effect on the orderly marketing of producer milk in the regulated market.

The definition, therefore, should clearly set forth the limits on the sources from which a person may receive milk and still retain producer-handler status. A producer-handler sometimes may need supplemental milk supplies to meet daily and seasonal changes in the demand for fluid milk. The terms adopted provide that the fluid milk supply of a producer-handler must be limited to his own-farm production and to receipts of fluid milk products priced as Class I milk under some Federal order which do not exceed 2,500 pounds per month. This will insure that the exempt producer-handler will be responsible for his own surplus but will permit the purchase of reasonable quantities of fluid milk products (approximately 40 quarts per day) to supplement his own production.

The definition should indicate clearly that such a person may not receive fluid milk products from nonregulated plants if he is to qualify for exempt status as a producer-handler. Milk in fluid form transferred to a producer-handler from

any regulated plant is classified as Class I. It follows that any supplemental milk so purchased by a producer-handler will not represent a lower-priced source of supply as might be the case if he were permitted to purchase from unregulated nonpool plants and still retain his exempt status.

It is intended, therefore, that the exemption from pricing and pooling of such operations be limited to those who are primarily dependent on milk of their own production and assume the risk involved in the plant operation. The order consequently should provide, as criteria of producer-handler status, that the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing and packaging of the milk handled shall be the personal enterprises of the producer-handler and shall be conducted at his personal risk. Also, since he enjoys full benefit from his own sale of milk in fluid form (Class I) and does not share such sale with other producers, he should not be considered as a producer on bulk milk delivered to other handlers which he does not need for his own bottling needs, i.e., he should not be eligible to share in the Class I sales of other producers also.

To permit verification of a producer-handler's continuing status and to facilitate accounting with respect to the receipts from pool handlers the order also provides that each producer-handler shall make reports in such manner as the market administrator shall require.

Although there are a number of governmental agencies (Federal) in this area which receive fluid milk products from handlers, the record is not clear whether such agencies have facilities to produce and process fluid milk products for use only on such premises or to other governmental agencies. Generally milk produced and sold by a governmental agency would be primarily for purposes within the agency. No useful purpose in effective order regulation for the market would be served by regulation of such an operation and could be disruptive to the purposes of the dairy operation of such an agency. Therefore, it is concluded that, if one of these agencies does operate milk production and processing facilities, it should be exempt from regulation under this order. This is effected by specific exemption of governmental agencies from all provisions of the order.

The terms "producer" and "producer milk" should be modified from the definition presently included in the Dayton-Springfield order to incorporate necessary changes brought about primarily by the expansion of the marketing area to be regulated.

A "producer" should be defined as any person except a producer-handler or a governmental agency, who produces, in compliance with the Grade A inspection requirements of a duly constituted health authority, milk which is received at a pool plant or diverted under specified conditions as discussed below. This definition is not intended to include, however, any person with respect to milk which is fully subject to the class pricing and producer payment provisions of another Federal order.

The term "producer milk" should include all milk produced by persons qualifying as producers which is received at pool plants, or under specified conditions, diverted to nonpool plants. Diversion of producer milk to a nonpool plant by a handler (cooperative or proprietary) should be limited to not more than two-thirds of the days of delivery from a producer's farm during the months of April through July, and not more than one-third of the delivery days during the months of August through March. Diversions of producer milk by handlers among pool plants should be permitted at any time.

Under current order provisions, diversions of producer milk to nonpool plants are not limited during the months of April through July. During the months of August through March diversions are limited to not more than one-third of the days of delivery. For pricing purposes, diverted producer milk is deemed to have been received at the pool plant of customary receipt.

Producers proposed that only a cooperative association be eligible to divert producer milk during the months of August through March. They stated that this would help assure the maximum Class I use of producer milk and foster the activities of the association as marketing agent for its member producers. Also, they proposed that handlers be permitted to divert milk to nonpool plants during the months of April through July, but not for more than two-thirds of the days of delivery from a producer's farm in each month.

The regulation should accommodate as much as possible the efficient handling of any necessary market surplus, since the day-to-day market requirements vary widely. The diversion privilege, herein adopted, should promote efficiency in the marketing of milk not needed at pool plants for fluid milk requirements.

Because there are nonpool plants located in the Miami Valley production area, it is possible for excess milk to be moved directly from the farm to a nonpool plant for processing instead of being received at a pool plant and then transferred to a nonpool plant. Diversions may occur seasonally during the flush production months or to accommodate unneeded milk during holiday periods or on weekends. Therefore, specified diversions of producer milk from pool plants to nonpool plants should be permitted, with the milk retained in the pool if the handler, including an association of producers, accepts the responsibility of accounting for such milk as producer milk at order prices.

The provision, however, should not be so constructed as to encourage an excessive volume of milk to associate with the pool without need for fluid use. This objective can be achieved during the months of August through March when supplies are lowest seasonally, by limiting diversions. Such diversions to nonpool plants are necessary only to assure the orderly handling of unneeded week-end or holiday supplies.

At least one proprietary handler assumes responsibility for handling the reserve milk at his plant during such periods. Consequently, both proprietary handlers and cooperatives should have opportunity to divert on equal terms. The present provision which permits diversion of producers on not more than one-third of the days of delivery during such months should accommodate such supplies of milk and should be continued in the expanded order.

The months of April through July are the months of relatively high seasonal production and it is desirable that both proprietary handlers and cooperatives be permitted a greater opportunity to divert than in the fall months. Although this decision institutes limits on diversions in these months as compared to the present unlimited diversion, such limits should permit orderly disposition of the seasonal surplus. Diversions of producers to nonpool plants on not more than two-thirds of the day of delivery during these months should be permitted.

Producer milk should include that milk of a dairy farmer diverted within the prescribed limits for each month and milk received at a pool plant. In the event a producer's milk is diverted more than the prescribed number of days, only that milk overdiverted should be considered as nonproducer milk and excluded from the pool.

Diverted milk when moved to a nonpool plant should be priced at the location of such plant. Producer's proposal would price at the location of the nonpool plant any milk diverted to such a plant which is located at a greater distance from Dayton than the pool plant where normally received. It was their position that within 70 miles of Dayton there are adequate manufacturing facilities to handle all diverted milk.

Since there are a number of nonpool plants located within 70 miles of Dayton (the Miami Valley production area), in addition to the cooperative's balancing plant which serves as the major outlet for milk in excess of the fluid milk requirements of the market, there is little need to divert milk great distances at the expense of producers generally. In conjunction with the recommended handler location differentials which use multiple basing points located on the outer perimeter of the marketing area, pricing of diverted milk at the location of the nonpool plant in effect adopts the cooperative's proposal for determining the point of pricing.

The pricing of diverted milk in such cases in the above manner should remove the incentive for the operator of a distant plant to meet the pooling requirements for the purpose of associating excessive quantities of milk with the market which milk would be intended for manufacturing use. Otherwise there would be potential for the distant producer to receive the market blend price when his milk actually was diverted on a regular basis to a plant distant from the market for manufacturing use. It will further insure that pool producers in general will not subsidize transportation costs which are not incurred if such milk remains at the distant plant.

An exceptor requested clarification of the definition of producer milk to exclude diverted milk of dairy farmers subject to the pooling and pricing provisions of another order. The exclusion of such milk was intended in the order language of the recommended decision. Because of this original intent and since the language proposed would serve to clarify the provision, such change is herein adopted in the definition of "producer milk".

4. *Classification and allocation*.—(a) *Classification of milk*. Producer milk received by handlers should be classified in two classes according to the form in which or the purpose for which it is used. Class I milk should include those forms of disposition intended for the fluid market.

The high quality requirements for consumption in fluid forms, as compared to manufacturing use, are specified primarily in newly revised sanitary regulations of the State of Ohio. The extra cost of producing such higher quality milk and delivering it to market necessitates that the price for milk used in Class I be considerably above the manufacturing milk price. The definition of Class I milk in the manner described herein provides the means of returning to producers the higher price according to the quantity of milk so used.

Class II milk, on the other hand, includes utilization for purposes to which Grade A requirements do not apply. In such uses milk from producers competes with ungraded milk from other sources and for these uses producer milk therefore commands only a manufacturing milk price.

Accordingly, milk and milk products received by handlers should be classified on the basis of the form in which, or the purpose for which, it is used or disposed of by the handler in substantially the same manner as under the present Dayton-Springfield order. The skim milk and butterfat therein should be classified separately since the proportions of skim milk and butterfat in finished products vary.

Also, milk may be received by handlers from various sources, including dairy farmers, other regulated handlers, and unregulated sources. Milk from all these sources could be commingled in a handler's plant. Consequently, it is necessary to have a plan for allocating the uses of milk to each of the various sources of supply in order to establish the appropriate classification of producer milk.

Class I milk. The dispositions included in Class I milk are those required by applicable health authorities to be produced from "Grade A milk". Class I milk, therefore, should be basically skim milk and butterfat disposed of by a handler in the form of fluid milk products as previously defined, with limited exceptions as described below.

The measurement of the quantity of Class I disposition of a particular milk product is normally the actual weight of the product as it leaves the handler's plant. In a few instances, however, the Class I quantity is more, or less, than such weight. One exception is concentrated milk, which is produced by removing a large portion of the water content from whole milk. This product is intended for fluid consumption, and may be restored by the consumer to the original whole milk form by addition of water. This is a Class I product for which the quantity to be accounted for is the qauntity of milk normally used to produce it. Standard conversion factors for calculating the original volume would be applied. Accounting for such products on the basis of original volume, including all the water originally associated with the milk solids, is necessary to assure equity among handlers and to return to producers the full use value of their milk.

Reconstituted milk or skim milk presents a similar problem of accounting. Reconstitution is a process which may be carried on in a handler's plant by mixing dry milk solids or condensed milk with water to produce a product which is similar to fluid whole milk or skim milk. Partial reconstitution may be carried out by adding milk solids and water to milk or skim milk. Class I disposition of reconstituted milk or skim milk should be accounted for in a quantity which includes the volume of water originally associated in whole milk with the milk solids used in process of reconstitution. This is necessary for the same reasons as in the case of concentrated milk.

Fortified fluid milk products are another instance in which the weight disposed of is not precisely the quantity of Class I disposition to be accounted for. Fortified fluid milk products are prepared by the addition of nonfat solids to milk or skim milk to yield a finished product of higher than normal nonfat solids.

For proper accounting of the skim milk involved the nonfat milk solids added in fortification should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The addition of the solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may in fact increase the sale of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

Therefore, the skim milk to be classified as Class I milk in such instances should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

It is necessary that the handler submit reports sufficient to reconcile all his receipts of milk and dairy products with the disposition from his plant(s). If receipts and disposition cannot be reconciled from such reports, it is necessary that the handler be held responsible for any unaccounted for receipts or disposition. If disposition is less than receipts, the question arises as to whether there are dispositions not disclosed on reports. In order to insure responsible reporting, recordkeeping and equity among handlers, such discrepancy (where disposition is less than receipts) should be classified as a Class I quantity, except for allowable Class II shrinkage as explained in later findings.

On the other hand, if the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported received at the pool plant of a handler, the milk in excess of such receipts shall be "overage". Any overage should be assigned first to the available Class II utilization and any remainder to Class I. The overage in each class should be paid for by the handler at the applicable class prices. When utilization records indicate a disposition greater than receipts it must be presumed that the handler failed to report all of his receipts of producer milk. This "overage" is thus charged to him at the applicable class price in the lowest available class use.

Class II milk. Class II milk would include all skim milk and butterfat used to produce any product other than a fluid milk product. It thus would include milk used in manufactured products such as ice cream, ice cream mix, frozen desserts, cottage cheese, evaporated and condensed milk, nonfat dry milk and butter and cheese as well as others in nonfluid form.

Under the present Dayton-Springfield order cultured sour cream mixes and packaged sterilized cream are included as fluid milk products in Class I. Certain handlers proposed the reclassification to Class II of sour cream mixes and sterilized products because Grade A quality ingredients are not required in processing. Sterilized cream not made from Grade A milk, and cultured sour cream mixes using vegetable fat, are sold in the market. It is concluded that a Class II classification should be adopted for sour cream mixtures unless labeled as a Grade A product and for sterilized cream in hermetically sealed metal or glass containers.

Proponent for the exclusion from the fluid milk product definition of sterilized products in hermetically sealed glass or metal containers took exception to the failure of the recommended decision to exclude also from such definition sterilized products other than cream which are similarly packaged. There was no evidence in the record concerning such sterilized products other than cream on which a reclassification of these products could be considered. The testimony related solely to sterilized cream. It is the only such product being handled in the market at this time. Therefore, sterilized products other than cream are retained under the fluid milk product definition.

Besides manufactured dairy products, which compose the bulk of Class II use, Class II milk also would include shrinkage within certain limits, disposal in fluid form for livestock feed, skim milk dumped, and fluid milk products in bulk held in inventory at the end of the month.

Butterfat and skim milk should be considered disposed of when used to produce Class II products. Thus, handlers must maintain production records to establish use in Class II.

Shrinkage. In the course of normal receiving, processing, and packaging of fluid milk products, some loss, or "shrinkage", of skim milk and butterfat is experienced. Since shrinkage represents disappearance of milk for which no return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records. In order to assure complete accounting, however, the handler must establish the quantity of actual loss of skim milk and butterfat.

The maximum shrinkage allowance in Class II at each plant should be 2.5 percent of milk from producers (less transfers of milk in bulk to other pool plants), plus 1.5 percent of milk transferred in bulk to other pool plants, plus 1 percent of milk received in bulk tank lots from other plants or from a cooperative association which is the handler for such milk. However, if the handler operating the pool plant which received bulk tank milk through a cooperative association files notice with the market administrator that he is purchasing such milk on the basis of farm weights the applicable percentage should be 2.5 percent on such milk. The provision of 2.5 percent shrinkage allowance for the entire receiving and processing operation is in the present Dayton-Springfield order and there was no suggestion for revising this maximum allowance.

The lower shrinkage allowance of 1 percent of milk received by bulk tank truck from a cooperative handler recognizes that part of the shrinkage occurs prior to receipt at the plant. Milk collected at the farm in bulk tank trucks is measured at the farm. Some loss normally occurs during the transfer operation between the farm tank and the plant.

To provide equitable application of shrinkage provisions to all handlers who may have various types of operations and sources of milk receipts, the rate of 1 percent shrinkage allowance should apply to all plant receipts in bulk, whether from other pool plants, unregulated plants or a cooperative association acting as a bulk tank handler. The only exception to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case, since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing a handler's total shrinkage allowance, 1 percent of fluid milk products disposed of in bulk tank lots to plants of other handlers by transfer should be deducted. This is necessary to carry out the present order provision of allowing 1.5 percent for the receiving and handling operations on such transfers. The second plant would be allowed, as stated previously, 1 percent on the transfer of fluid milk products.

The allowance of 1 percent of milk transferred in bulk tank truck from farm to plant would apply also in the case of milk diverted by tank truck. An exception would be made in both instances if the plant operator to whom the milk is diverted purchases the milk on the basis of farm weights and tests.

The order contemplates that handlers will report on an individual plant basis, showing the receipts and utilization at each plant. Shrinkage should be accounted for in each plant separately so that a handler having more than one plant may not offset overage in one plant against shrinkage in his other plant.

If such handler transfers fluid milk products between his two plants, the amount of shrinkage or overage at either plant would be affected by the accuracy in accounting for the quantity of skim milk and butterfat transferred. The same care should be exercised as to accuracy of accounting for milk transferred between plants of the same handler as in the case of transfers between plants of different handlers.

To assure an equitable assignment of total shrinkage, it should be prorated to (1) those categories of receipts on which the above described limits apply, and (2) other receipts in fluid form to which specific shrinkage limits do not apply.

Inventories. The order should provide that inventory of fluid milk products on hand at the end of the month should be classified as Class II milk if in bulk, and Class I if packaged, pending possible reclassification in the following month.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for receipts and utilization at the plant. The accounting procedure can be facilitated by providing that inventories of bulk fluid milk products on hand at the end of the month be classified as Class II milk.

In the following month inventories in bulk would be subtracted, under the allocation procedure, from any available Class II milk. Any excess over available Class II milk should be subtracted from Class I milk. The higher-use value as Class I thus indicated should be reflected in returns to producers in that month. This would be at the rate of the difference between the Class II price in the first month and the Class I price in the second month.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in fewer adjustments in classification and handlers' obligations than if classified in Class II as in the case of bulk milk.

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 ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

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.

Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for as Class II use when used to produce a manufactured dairy product, such skim milk and butterfat should not be included in inventory.

Inventories of fluid milk products and Class II products on hand at the beginning of the first month in which this order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk of the current Class I utilization of the plant.

One handler objected to the potential inflation of Class I milk from the initial classification of ending inventories of packaged fluid milk products in Class I for the purpose of computing the "Class I utilization percentage" for the supply-demand adjustment.

The computation of the monthly Class I utilization percentage for the supply-demand adjustments which include Class I sales for the month following the effective date of the amended order should be modified to offset the effect the changeover to include monthly ending inventories of packaged fluid milk products in Class I.

The classification of packaged fluid milk products in inventory in Class I is not intended to have any significant effect on the "Class I utilization percentage." Accordingly, it should be provided that monthly ending inventories of packaged fluid milk products for the first month this amended order is effective, should be deducted from the aggregate pounds of producer milk in Class I milk in computing the utilization percentage for each of the third, fourth, and fifth month, respectively, after this amended order is first made effective.

The maximum adjustment which would have occurred during the period from January 1966, through November 1966, would have been a reduction of 453,000 pounds in aggregate Class I sales. Such an adjustment, computed for each month for the period from May 1966, through January 1967, resulted in no change in the current utilization for such months. Since monthly ending inventories for the market change from month-to-month, there is no fixed volume of Class I sales that can be used to adjust the aggregate pounds of produced milk in Class I milk used to compute the supply-demand adjustor.

It is therefore concluded that the order language should provide for such an adjustment to eliminate any significant effect on the resulting supply-demand adjustment. After the fifth month, the

adjustment is not required for this purpose.

Proof of class use. Except for the quantities of Class II shrinkage provided for in the order, all skim milk and butterfat for which a handler cannot establish utilization must be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records. The burden of proof should be on the handler to establish the ultization of any milk as being other than Class I milk.

Transfers and diversions. Milk transferred from a pool plant to another plant should be classified in accordance with specific rules.

The rules of classification herein provided would apply to transfers to other pool plants or to nonpool plants, and to milk diverted from the farm to nonpool plants or to pool plants of other handlers.

Fluid milk products transferred or diverted from a pool distributing or supply plant to the pool distributing plant of another handler should be classified as Class I milk unless utilization as Class II milk is claimed by both handlers on reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment to Class II after allocation of receipts of unregulated milk, other order milk, inventory and shrinkage. Similarly, sufficient Class I milk must be present in the transferee plant to cover Class I classification of the transferred milk.

If the shipping plant receives, during the month, other source milk of the type to which a surplus value applies (such as nonfat dry milk) the skim milk and butterfat in fluid milk products transferred should be classified so as to allocate the least possible Class I utilization to such other source milk. Also, if the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such other source receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant. These rules are necessary to provide the same kind of classification for transferred fluid milk products as for utilization within a pool plant.

Fluid milk products transferred or diverted from a pool distributing plant to a pool supply plant should be classified first as Class II milk to the extent Class II utilization is available at the pool supply plant. Such movements of milk generally would be made for the purpose of manufacturing milk, which is in excess of the bottling requirements of the distributing plant, into Class II products. Also, this would deter the movement of milk solely for the purpose of qualifying for additional location credits.

Fluid milk products transferred or diverted in bulk to a nonpool plant (not an other order plant or producer-handler plant) should be classified as Class I milk unless the handler claims Class II classification and specified conditions are met: (1) The operator of the nonpool plant should maintain adequate books and records showing utilization of all skim milk and butterfat received at the plant; and (2) if requested the operator should make these books and records available to the market administrator for purposes of verifying such receipts and utilization. Verification by the market administrator is necessary to insure proper application of the classification procedures of the order.

If the above conditions are met, classification of the transferred or diverted milk would be made in accordance with the following procedure:

Receipts of packaged fluid milk products at the nonpool plant from pool plants or other order plants would be first assigned to Class I in the nonpool plant. Then, if the nonpool plant makes any Class I route disposition in this marketing area, this Class I should be assigned first to fluid milk products transferred from pool plants, then pro rata to receipts from other order plants, and finally to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant. If the nonpool plant makes any Class I disposition on routes in the marketing area of another Federal order, this should be assigned first to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this and all other Federal orders, and thereafter to the nonpool plant's regular Grade A dairy farmer supply as determined by the market administrator.

Any Class I utilization remaining in the nonpool plant after the above assignment should be assigned first to the plant's regular Grade A dairy farmer supply and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the preceding assignments are made at the nonpool plant, any remaining receipts of bulk fluid milk products from pool plants should be classified in sequence starting with Class II milk if the shipping handler requested classification under this procedure.

This method for classifying transfers and diversions of milk to nonpool plants provides equitable treatment for milk of order handlers as well as other order handlers in the classification of milk. Further, it gives priority to dairy farmers directly supplying a nonpool plant with respect to sales outside regulated areas. The proposed method of classification at the same time allows orderly disposition of reserve supplies of milk which cannot economically be handled at pool plants.

The present Dayton-Springfield order contains a transfer rule which requires fluid milk products (except bulk cream) to be classified as Class I milk if moved beyond 100 miles from Dayton or Springfield, Ohio. This provision was adopted a number of years ago primarily to simplify verification procedure on the presumption that under the then existing conditions any milk moved on resale more than 100 miles from the market logically would be utilized for fluid consumption in view of the transportation cost involved.

Such transfer rule does not comport well, however, with the diversion rule adopted herein under which diverted milk is priced at the location of the plant to which diverted. At the present time handlers distribute virtually all their fluid milk products in Class I within a hundred-mile radius of Dayton, in fact, primarily within the proposed Miami Valley marketing area. Any such products sold beyond such distance are very likely to be disposed of in another regulated market where verification of use is readily made.

On the other hand, milk may move from farms to market from greater distances under today's conditions. In the event producer milk had to be diverted for manufacturing use, possibly caused by unforeseen circumstances not under control of the producers or handlers involved, to plants beyond 100 miles, the present provision would not accommodate such movements. It is concluded that the present mileage rule would not promote orderly marketing under the terms of the revised order.

The order also provides for transfers of fluid milk products to other order plants. The classification of such milk is covered in the following findings with respect to allocation.

(b) *Allocation.* The value of producer milk is established on the basis of its classification and the class prices. Since handlers also may receive milk from sources other than producers, the order must provide a method of assignment to classes of receipts from all sources during the month.

The system of allocating a handler's receipts to the two classes is virtually the same as that adopted in the decisions of the Assistant Secretary issued June 19, 1964, for 76 milk orders, including the Dayton-Springfield order.[1] These decisions were designed to integrate into the regulatory plan of each of the affected Federal orders milk which is not subject to classified pricing under any order, and also to apply the regulatory plan of each of the orders to milk received from plants regulated under another order.

The producers' proposal recognized the necessity for interorder coordination and contained allocation provisions identical to those contained in the aforementioned decisions. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is necessary that the general system of allocation under this order be the same. Also, the treatment of other order milk should be the same as the plan included in those decisions so as to have a coordinated system of regulations on movements of milk among Federal order markets.

Because of the separate pricing of milk used to produce cottage cheese as com-

[1] Official notice was taken at the hearing of the decision (29 F.R. 9002) in which is included the amendment affecting the Dayton-Springfield milk order.

pared to other Class II milk products, it is necessary to design the allocation provisions so as to insure the application of the price differential to producer milk used in cottage cheese manufacture. Thus, the method adopted will assure generally the assignment of other source milk receipts in series beginning with Class II products other than cottage cheese, then to milk used to produce cottage cheese prior to any assignment thereof to Class I.

Milk received at regulated plants from unregulated plants. When unregulated milk eligible for distribution in the market in fluid form is received by a regulated handler at his pool plant, provision must be made for its allocation to the total available classification of the pool plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II milk if so reported by the operator of the regulated plant.

Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When the purchase is for manufacturing, the order should accommodate this by providing that such milk be allocated to the lowest price class utilization in the pool plant.

This treatment of unregulated milk received at pool plants will further serve to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities, since it will make available as an outlet the manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class II use (down allocated) should include receipts from producer-handlers, receipts from governmental agencies exempt from regulation, receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of unregulated plant milk (other than from producer-handlers or governmental agencies) received at a pool plant, the order should provide that (within limits) such unregulated milk in bulk, which is not specifically designated for manufacturing use, be classified pro rata with regulated milk in the pool plant.

Classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in fluid form) or as surplus (i.e., as in manufactured products) but rather its classification must depend upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I or II will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations.

An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Even though a situation could conceivably arise where because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order[3] (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. During the months of April through July and September through December a seasonal incentive plan of pricing is in effect. For the purpose of computing a rate of payment on unregulated milk during these months, a weighted average price must be computed in a manner identical with the computation of the uniform price in other months.

There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear, i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value.

In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Notwithstanding the fact that surplus milk is obviously available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision

[3] Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually might have only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the market order uniform price (weighted average price for the months of April through July and September through December), both adjusted for butterfat content and the location of the unregulated plant from which the milk was received.

Although the use of the uniform price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases. Generally, it should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then, on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum uniform price to their own producers, and in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required on regulated milk.

If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a federally regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

The order must contain provisions of this kind which adequately serve to relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

In this market only limited quantities of packaged milk are received at pool plants from unregulated plants. Nevertheless, a rule for dealing with such situations must be provided. In the absence of specific evidence as to the method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

Producer-handler or governmental agency surplus, reconstituted milk, non-Grade A milk. Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, must be assigned a surplus value. Two such sources are milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order) or a plant of a governmental agency exempt from regulation. Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market.

As to milk from these sources a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler whenever such milk is allocated to Class I, following "down allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of the Class I needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their Class I needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excess at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus.

As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers he should not also receive Class I benefit from a market pool at the expense of producers for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers, operating under another order have the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating in the local market. Therefore, no distinction in treatment should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class II milk at the pool plant. If any is then assigned to Class I, a payment into the producer-settlement fund at the Class I surplus price difference should be applied.

Such rate of payment on receipts by federally regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act.

Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who use bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[3]

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[3] 7 U.S.C. sec. 672, which contains the codified language of sec. 4 of the Agricultural Marketing Agreement Act of 1937, as amended states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under secs. 601-608, 608a, 608b, 608c, 608d-612, 613, 614-619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

Governmental agencies operating bottling plant(s) would be exempt from regulation under the Miami Valley order. Because of this exemption fluid milk products received at a pool plant from such plants which they do not need for fluid use should be classified as Class II milk. Fluid milk products received by such plants from a pool plant or a cooperative association in its capacity as a handler should be Class I milk.

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to produce such products is priced as surplus.

Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing produced milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class II (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class II milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for fluid (Class I) uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this grade of milk.

Receipts at a market pool plant of manufacturing grade milk therefore should be assigned first to use in Class II. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class II.

The 2 percent may be considered as a safeguard against possible "overassignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes, in a uniform and consistent way, intermarket shipments of regulated milk. Following the pattern of such amendments, "surplus" classification (Class II milk) should apply whenever the parties involved agree that the shipment is for manufacturing use in the second market. A higher classification would result only when it is found on verification that some portion of the milk could not have been used for manufacturing uses. This portion would then be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II by agreement should be classified as Class I and Class II on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II is not greater than the receiving handler has utilized as Class II.

The order should not provide for marketwide proration of milk received from another order plant when the receiving handler has a greater proportion of milk in Class II than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use.

Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Class II than the market average because it would assign a disproportionate share of local producers' milk to Class II.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk transferred would be classified as Class I in the shipping market and Class II in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market. In this order allocation is on a plant-by-plant basis. Accordingly, provision is made herein that the allocation of bulk receipts from other orders at a plant shall be on a system basis, irrespective of individual-plant accounting for other purposes of the order.

Handlers who receive milk from other orders or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

In any month in which bulk milk is received in the market (without agreement as to Class I classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are very similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market.

It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. Such estimate will be publicly announced to the nearest whole percentage and, for this purpose, will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from an other Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order provides similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

5. *Class Prices and Location Differentials—Class I prices.* Minimum class prices should be established at a level which will assure the maintenance of an adequate, but not excessive, supply of quality milk for the marketing area, and at the same time assure the orderly disposition of the necessary market reserve supply.

The present Dayton-Springfield order, which applies to more than 77 percent of the milk which would be covered by the new Miami Valley order, provides for a monthly Class I price computed by adding $1.24 per hundredweight to a basic formula price. This amount is subject to a supply-demand adjustor which reflects changes in the relationship of market receipts and sales for the Dayton-Springfield and Cincinnati markets combined. The proponent cooperative association proposed the continuation of such pricing formula and no objections were raised at the hearing.

A Class I price determined by adding a differential to a basic formula price gives appropriate reflection to the economic factors underlying changes in the general level of prices for milk and manufactured dairy products. The market for manufactured dairy products is nationwide and the prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. The formula reflects such factors automatically.

The basic formula price for Class I pricing presently used in the Dayton-Springfield order is the average price paid dairy farmers at manufacturing plants in Minnesota and Wisconsin for the preceding month, as reported by the Department. Such price is adjusted to a 3.5 percent butterfat test by a butterfat differential obtained by multiplying the Chicago butter price by 0.120.

Official notice is taken of the findings in the decision of April 25, 1967, supporting the amendment to the Dayton-Springfield order effective May 1, 1967, which established the basic formula price at a minimum of $4.05 for the purpose of pricing Class I milk for each month for the period May 1, 1967, through April 1968. Such amendment also provides for an addition of 20 cents to the Class I price differential for each month through April 1968. Similar action was taken in other Federal order markets on the same decision. Such pricing provisions are included in the order set forth for similar reason.

A differential over manufacturing milk prices is necessary to cover the extra cost of meeting quality requirements in the production of milk and to compensate for transportation costs to the fluid market where such milk is consumed. The differential thus provides a necessary incentive for dairy farmers to produce and deliver an adequate supply of pure and wholesome milk to meet consumer demands.

Monthly utilization of producer milk in Class I under the Dayton-Springfield order generally has ranged from 69 to 87 percent. For the periods 1965 and 11 months in 1966, utilization of producer milk in Class I averaged 78.45 and 77.2 percent, respectively. At such utilization levels, sufficient milk has been available to satisfy bottling needs and to provide a generally adequate reserve. Milk supplies have been neither excessive nor short for any prolonged period. Adoption of the present method of computing Class I prices should tend to promote under the expanded order a reasonable balance between producer milk supplies and Class I sales and thus be in conformance with the pricing requirements of the statute. The relatively small additional receipts and sales to be included through expansion of the marketing area should not make a significant difference in the application of the supply-demand adjustor now in use.

The Class I price in this market should have, of course, a reasonable relationship to Class I price levels in other markets of the region because the main sources of supply for this market are contiguous to or overlapping with those of existing Federal order markets. There is a substantial intermarket relationship of supply and demand conditions and therefore, a close similarity of Class I price levels is desirable. Such other markets are outlets for most producers who supply this market. Also, milk supplies under the other orders represent ready alternative sources of supply for this market. As discussed below under location differentials, the appropriate intermarket alignment calls for the application of the same Class I price throughout the entire marketing area. There were no proposals for a different method of determining Class I price levels.

Class II price. Except for skim milk used for cottage cheese, the price per hundredweight for Class II milk should be the lesser of the Minnesota-Wisconsin manufacturing price or a formula price based on the market prices of butter and nonfat dry milk. The Class II price for skim milk used in cottage cheese should be such lesser price plus 20 cents per hundredweight.

The major cooperative association proposed the following methods for pricing Class II milk: (1) The lower of the basic formula price or a price resulting from a butter-nonfat dry milk formula for milk used in all Class II items other than cottage cheese, and (2) an additional 25 cents for milk used to produce cottage cheese.

Proponent testified that the Class II price should be at a level that will permit the orderly movement of market reserves into manufacturing channels but not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products. Proponent also stressed that the proposal would bring about better alignment of Class II prices with neighboring markets.

Handler opposition was limited to the application of the 25-cent differential on the price for producer milk used for cottage cheese as proposed. They contended that (1) the proposed differential would create misalignment of prices with other markets for such use, placing Dayton handlers at a price disadvantage on cottage cheese sales, particularly on sales in other markets, (2) competitive pricing is essential under today's improved packaging and rapid transportation, (3) cottage cheese processors should not be required to subsidize the butter-nonfat dry milk manufacturer, and (4) cottage cheese sales are in a declining trend nationally. One handler engaged in cottage cheese production suggested a price differential on milk for cottage cheese of 15 cents over other Class II milk.

Official notice is taken of the Under Secretary's decision of February 21, 1962 (27 F.R. 1802), to incorporate the Minnesota-Wisconsin price series in the Dayton-Springfield order as well as 35 other orders throughout the Midwest as the basic formula price for computing the Class I price. Such decision found that the Minnesota-Wisconsin price series is a more appropriate measure of manufacturing milk values for such use in the orders than the basic price formulas which had been used previously.

Because of its importance in reflecting manufacturing milk values the Minnesota-Wisconsin price series also has been incorporated as the surplus use price in many orders throughout the Midwest. Normally, this price series will establish a reasonable level of price for milk used for most manufactured milk products not requiring Grade A milk.

Typically, the proprietary handlers in this market process fluid milk, and in some cases cottage cheese and ice cream. They do not engage to any great extent in processing storable dairy products

such as butter, nonfat dry milk, or hard cheese. The great bulk of the milk in excess of fluid needs is handled by the cooperative through its own manufacturing plant which is primarily a nonfat dry milk plant, although it is also used as a "balancing" plant for the fluid market. Actually, a substantial number of the handlers have "full supply" contracts with the cooperative under which they need accept only the amount of producer milk they request. The cooperative offers such contracts to all handlers. Most of the market's reserve milk which cannot be used in cottage cheese or ice cream is moved to the association's manufacturing plant or, on occasion, to other plants where butter and spray process nonfat dry milk are the principal items produced.

The Minnesota-Wisconsin manufacturing price will reasonably reflect surplus milk values in this area under most circumstances. However, in consideration of the importance of butter and nonfat dry milk as the final uses when no other outlets are available, it is appropriate that an alternative Class II price become effective whenever the Minnesota-Wisconsin price exceeds by more than 10 cents their per hundredweight value as reflected by product prices on the open market.

Further there is considerable competition in some Class II products by handlers in this and the other nearby markets as well as overlapping of market supply areas. This formula will provide a close intermarket alignment of prices on milk for those products not requiring Grade A milk since a similar formula is in use in neighboring markets.

The revised Class II price formula, applied to 1966 data, results in an increase in the Class II price. The 1966 weighted average price for all Class II milk at test (about 4.99 percent) under such amendments would have been about 6 cents per hundredweight higher. Official notice is taken of the statistical announcements of the market administrator since the close of the hearing.

The order should provide also for a price differential on skim milk in producer milk which is used to produce cottage cheese over the general level for producer milk used in other manufactured products.

The major cooperative association supplying milk to the market proposed that the price for milk used for cottage cheese be fixed at a 25-cent differential over the lower of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price as discussed above. Proponent testified that milk for cottage cheese has an additional value because the revised State of Ohio Health Code requires that only milk of the same inspected quality as is required for fluid milk products may be used. It was contended further that although cottage cheese sales vary to some extent seasonally, it is produced on a year-round basis, requiring a regular supply of milk, and accounts on the average for nearly 35 percent of all Class II milk.

Handlers in this market currently rely entirely on local Grade A supplies of producer milk for cottage cheese production. Under the State of Ohio Health Code they are required to have this milk or ingredients from milk of equivalent quality. The largest population centers in the defined marketing area are Dayton and Springfield, which represent the principal market outlets for the cottage cheese produced by handlers.

As found above, producer milk disposed of in manufacturing uses should be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, however, the price level should be that which will provide the highest possible returns to producers. If there is additional value in producer milk for cottage cheese purposes, such value should be reflected in the returns to producers.

In this market handlers choosing not to use producer milk in making cottage cheese would need to import dry cottage cheese curd or nonfat dry milk. In either case, the quality of the other source milk would have to be equivalent to that of local producer milk since manufacturing grade milk may not be used for this product.

There are no dependable sources of graded milk for this purpose within the normal milkshed area from which producer milk is supplied to the market. The only nearby milk of the necessary quality is attached to other fluid markets in Ohio and Indiana and would be available only sporadically. In view of the cost involved in purchasing milk, dry curd or nonfat dry milk from more distant sources, some differential above the general level of the Class II price adopted herein is reasonable to reflect the factor of milk quality and cost involved.

It is reasonable that the return to producers above the regular Class II price should at least partially offset the cost which they have incurred to deliver milk to the handler at the city location for cottage cheese, as compared to putting it to manufacturing use. A 20-cent differential over the lesser of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price should achieve this purpose while maintaining such outlet for producer milk.

Testimony of handlers contended that the differential proposed by producers might place them at a competitive disadvantage relative to handlers in other markets who would have a somewhat lower cost. Handlers pointed out that they are competing for cottage cheese sales in other areas, some of which are at a considerable distance from Dayton, where local cottage cheese need not be made from graded milk. In support of this position one handler specifically proposed limiting the differential to 15 cents per hundredweight over the lower of the producers' proposed formula prices.

Under normal circumstances the application of a 20-cent differential should not adversely affect the handlers' competitive position in the Miami Valley market. There would be additional cost involved to substitute prepared curd or nonfat dry milk derived from outside Grade A milk and some transportation cost is involved when competitive cottage cheese is distributed from other markets in local competition.

The addition of 20 cents possibly could affect a handler's competitive position in selling in other markets, although such amount is equivalent to less than 2 cents per pound on the finished product varying somewhat depending on yield. Milk should not be priced under this order, however, at a level which encourages a milk supply of such proportions that local handlers are induced to seek substantial cottage cheese outlets in other markets. Milk supplies are not excessive in this market in relation to the Class I requirements of local handlers and should be directed to Class I uses to the greatest extent possible.

The special Class II price should apply up to the amount of skim milk in producer milk assigned to the handler's cottage cheese utilization. Within this limit, the charge should apply even though the handler uses some nonfat dry milk or dry curd in making cottage cheese. This is consistent with the regulatory scheme of the order whereby producer milk generally has priority assignment to highest-priced uses over other source milk in a form interchangeable with it for the uses involved.

The charge should not apply, however, in the case of cottage cheese curd which a handler has imported for use in making cottage cheese. This cottage cheese curd is not interchangeable with producer skim milk for the manufacturer of other Class II products. Thus, its assignment to other Class II uses in order that producer skim milk could be assigned to cottage cheese production would not be appropriate. The 20-cent charge should be applicable to both the skim milk used by the handler in making cottage cheese curd and the skim milk contained in cream which he may subsequently add to the curd in making creamed cottage cheese.

Butterfat differentials. Milk in each class is priced to handlers at a basic test of 3.5 percent, subject to adjustment for variations in the proportions of skim milk and butterfat used in each class. This is accomplished by adjusting the class prices to each handler by appropriate butterfat differentials.

The values resulting from multiplying the Chicago butter price by 0.120 for Class I milk and 0.115 for Class II milk will provide an appropriate means for adjusting the prices in the market for each one-tenth percent variation in the butterfat content of milk used in various products. Use of the Chicago butter price as a basis for establishing butterfat differentials provides assurance for both producers and handlers that such differentials will reflect changes in butterfat values on the national market.

Producers' proposal to reduce the Class I butterfat differential to 0.12 times the average butter price (presently 0.127) and the Class II butterfat differential to 0.115 (presently about 0.12) times the butter price, should be adopted. They objected to the reduction in the total value of Class I milk, which has occurred in

recent years due to the present Class I butterfat differentials and the declining butterfat content of all Class I milk. It was their position that with the decrease in demand for butterfat in fluid milk products, the butterfat differential should be reduced in order that the nonfat solids portion of milk would more nearly reflect its proportion of the Class I value.

The average butterfat content of Class I milk decreased from about 3.65 percent in 1957 to 3.4 percent in 1966. This decrease reflects the general decline in the butterfat content of most Class I milk products. Sales in 1966 of Class I products of 3.5 percent butterfat content or more, decreased an average of about 2.5 percent, from 1965. On the other hand, Class I products of less than 3.5 percent butterfat content increased an average of about 17 percent. These low-fat products have increased from about 19 percent of total Class I sales in 1965 to about 23 percent in 1966, reflecting a continuing upward trend in the sales of such products in recent years.

Producers further requested a lower Class II butterfat differential to reduce the value of butterfat which must be used in manufactured products. The declining use of butterfat in Class I products has resulted in more butterfat used in Class II products. They pointed out that because most nearby Federal order markets use the proposed Class II factor in their formulas, it is essential to have like factor to assure the orderly disposition of surplus milk from this market in competition with other markets. The proposed Class II butterfat differential is in line with differentials of the nearby Cincinnati and Northwestern Ohio markets and will contribute to uniformity of pricing for Class II milk in these markets. Thus, the lower Class II butterfat differential will remove any price disadvantage to the association in handling reserve milk for the market. Therefore, the producers' proposal should be adopted.

The producer butterfat differential has the purpose of prorating returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test. The butterfat differential thus used in making uniform price payments to producers should be calculated at the average value for use of producer butterfat in the two classes. This would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect changes in the use of their butterfat in each class.

Since the Class I butterfat differential herein adopted is identical to that presently used for the producer butterfat differential, and Class I butterfat represents about 70 percent of the total butterfat, only a minor reduction in the producer butterfat differential will occur because of the reduction of the Class II butterfat differential.

Location differentials. The Class I and uniform prices should be adjusted for the location of the plant at which the milk is received.

The major producer association proposed a schedule of location adjustments, in line with the cost of moving milk to the market, designed to bring about price uniformity f.o.b. market to handlers who may receive milk for Class I use from different sources at varying distances from the market.

Fluid milk products, because of their bulky, perishable nature, incur a relatively high transportation cost. The value at the distant point is thereby reduced compared to milk delivered directly from the farm to a distributing plant in the market. Providing location differentials related to the cost of moving milk to the market is necessary to insure price uniformity under the order of Class I milk among handlers, regardless of their sources of supply.

Handlers distribute milk in this market from plants which are not located in one central city, but rather are located in several cities in and near the market. Most handlers distribute milk throughout the marketing area. If price uniformity for Class I milk is to be maintained among handlers, the same Class I price should apply to all plants within this compact marketing area. The same Class I price has applied to all such plants under the present order. Further, the application of no location adjustment within this area should assure an adequate supply of milk for these handlers competing in the same area for producer milk supplies.

From all locations within or near the marketing area adopted herein, milk can move efficiently from farms directly to pool distributing plants without assembly at supply plants. At present all producer milk moves to pool distributing plants in this manner. Thus, it is not possible to distinguish differences in the value of producer milk delivered directly to plants within such area. Consequently, no location adjustments should be applicable within the marketing area. There were no proposals for a different method of determining Class I price levels.

For milk received at a plant located outside the marketing area and beyond 50 miles from any of several basing points, location adjustments should apply. Such adjustments should apply to milk classified as Class I and, with certain limitations, to fluid milk products transferred from such a plant to another pool plant as Class I milk. The basing points from which location adjustment credits would be computed should be the main Post Offices in Dayton, Piqua, Springfield, Urbana, and Wilmington, Ohio. No location adjustment would apply at any plant located outside the marketing area which is within 50 miles of the nearest of such basing points. Use of these basing points, which represent sizable communities located near the perimeter of the marketing area, will insure a constant level of Class I price throughout the marketing area.

The Class I price applicable at more distant plants should be reduced nine cents if the plant is more than 50 miles from the nearest basing point, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles.

Exception was taken to (1) use of multiple basing points, (2) location differentials for plans located less than 70 miles from Dayton, and (3) the establishment of a rate of less than 12 cents for such distance. The recommended decision provided for a rate of 6 cents for outlying plants located more than 50 miles from the nearest of five basing points. The increase in rate to 9 cents will reflect the same 1.5 cents per 10-mile adjustment for nearby plants as now provided for more distant plants and approximates the cost of transporting milk to market by efficient means. It is a rate that has been generally accepted for use in Federal milk orders and is in line with the proposal of the producer association to which no objection was made. Such revised schedule will maintain Class I prices at plants at various locations which are reasonably aligned with prices in other nearby markets and provide an equitable basis for intermarket competition in procurement. For reasons given above, multiple basing points are retained. Exceptor's request to use a single basing point (Dayton) therefore is denied.

Uniform prices to be paid producers supplying plants at which location differentials are applicable likewise should be adjusted on similar basis to reflect the value of the milk at the plant where received from the farm.

No location adjustment should apply to Class II milk. Manufactured dairy products are much less perishable and the components of manufactured products may be transported in manufactured form. The record does not indicate that there is value in the milk used for manufacturing purposes which can be equated to plant location with respect to this market.

Location differentials to handlers on Class I milk are credited from pool funds and are deductible from returns to producers computed at the f.o.b. market Class I value. They therefore should be held to the minimum which will accommodate the movement of the necessary supplies of milk to fulfill the requirements of the Class I market. As previously stated, this market has been supplied, up to the present, almost entirely by milk shipped directly from farms to pool distributing plants. There is not now, and never has been, a supply plant attached to this market other than the "market equalization" plant of the local cooperative association located at Dayton. While the market has relied to a minor extent upon sources other than producer milk to fulfill Class I demands, it is desirable for marketing efficiency that the direct-shipped milk be utilized to the fullest extent possible for Class I purposes. Under usual conditions, this milk should be assigned to Class I use at the handlers' plant before transportation allowance is given for milk imported from distant plant sources.

Some tolerance should be allowed, however, in the assignment to Class I of milk brought in from pool supply plants. A representative of certain Wisconsin cooperatives suggested that milk from supply plants be prorated to Class

I along with direct-delivered producer milk for the purpose of providing location adjustment credits. The effect of this proposal would be to increase the amount of transportation credit available to cover the cost of importing distant plant supplies as needed to supplement nearby producer milk.

The greater the amounts deducted for transportation the lower the uniform price will be. At present the market is fully supplied with milk costing the direct-ship producer an average of 27 cents per hundredweight to deliver to market. If the order is to encourage the procurement of milk for the market at the lowest possible cost, the direct-ship producers should not have to pay for the transportation of their own milk and, in addition, help to pay for the importation of more distant milk at a significantly higher transportation cost unless they are unable to fulfill the market's needs at reasonable prices.

In the event, however, a handler needs more distant milk, his cost should not be excessive in relation to those handlers with adequate quantities of direct-ship milk. Therefore, if the handler receiving the milk from the pool supply plant has direct-delivered producer milk supplies less than 110 percent of his Class I milk during the month, milk received from pool supply plants should be assigned to Class I on a pro rata basis with the direct-shipped milk, other order milk and unregulated supply plant milk subject to location credit.

This pro rata assignment to Class I disposition in the pool distributing plant of all producer milk, whether received directly from producers' farms or from another pool plant, will reduce whatever cost advantage handlers purchasing milk directly from producers' farms enjoy as compared to those who purchase some milk from supply plants.

To mitigate any abuse of location credits the assignment of Class I milk to transferor plants should be made in each instance, first at plants at which no location adjustment credit is applicable, and then in sequence beginning with the plants at which the lowest amount of adjustment credit would apply. For purposes of uniformity, the same provision would apply to any shipment of bulk or packaged fluid milk products between pool plants.

The major cooperative association proposed to include in the order a definition of "reload point." Their purpose in establishing the reload point was to provide location pricing at points beyond 70 miles of Dayton where bulk tank milk is reloaded and commingled en route to distributing plants in the Miami Valley market as well as at supply plants. While there are no reload points beyond such distance from the market at this time, proponent stated that a reload point definition would assist to modernize the regulatory program.

In contrast to the present situation, the producers' proposal would price producer milk at more distant reload points (beyond the 70-mile radius from Dayton) on the basis of the schedule of location differentials applicable for supply plants. In fact, certain similarities of function between supply plants and reload points were referred to in the record. Proponent also stated its belief that producer identification would be assisted where distant milk is involved.

A representative of certain Wisconsin cooperatives and a representative of the State of Wisconsin opposed the location pricing of milk at reload points, as proposed by the local cooperative, on the basis that it might result in less opportunity for distant milk to compete for market outlets in the Miami Valley marketing area. A Dayton handler expressed opposition to adoption of a reload point definition at this time on the ground that reload points are not a significant factor at this time and that more experience is needed to develop a proper application.

This record does not show a sufficient need for differentiating the pricing of milk at reload points based on their location.

At present there are five points in the milkshed at which the bulk tank milk of producers is reloaded. All such reload points are located within 70 miles of Dayton. Reloading is done at the convenience of the hauler, presumably for efficiency in transportation. As in the case of direct shippers, the producers involved pay the full hauling charge for the distance between their farms and the distributing plant in the market where the milk is received. Individual producer milk weight and butterfat test data accompany the milk to the plant.

There has been no experience in this market with more distant reload operations although the association's proposal presumes that in such cases the handler would incur the hauling cost between the reload point and his distributing plant. While the latter is likely in the case of milk moved from supply plants, it may not necessarily be the case, however, with respect to reloaded milk. We believe a wiser course is to gain further experience with reloading operations in order that any provision for pricing reloaded milk may take into account factors and experience which could not be explored on this record. For these reasons, the proposed definition of reload point for pricing purposes is denied.

Use of equivalent prices. If for any reason a price quotation or factor required by the order for computing class prices or for other purposes is not available in the manner described, the order should provide for use of a price or factor determined by the Secretary to be equivalent to that specified. As indicated in the partial decision on this record issued February 14, 1967, there may be unavoidable occasions when a price or factor ordinarily employed in the order becomes unavailable. Including a provision in the order for determination of an equivalent will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotation or factor and thereby will prevent any unnecessary interruption in the operation of the order and its important pricing function.

6. *Revising and reissuing the entire order*—(a) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

The order should provide for marketwide pooling of the value of producer milk used by all handlers. Under a marketwide pool, the total money obligation of all handlers in the market is combined to compute a uniform price applicable to all producer milk. To accomplish this purpose it is necessary that there be an exchange of money among handlers such that each handler is enabled to pay the marketwide uniform price. The transfer of money would be made through a producer settlement fund, as hereinafter discussed, operated by the market administrator.

Each handler would pay into the producer-settlement fund any plus difference of the value of his producer milk at class prices over its value at the market uniform price. A handler whose producer milk has a lesser use value at the class prices than at the market uniform price would receive payment at such difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers irrespective of his own use of milk. The operation of marketwide pooling as applicable in this market would be subject to a modification commonly known as a seasonal incentive ("Louisville") plan, described elsewhere in these findings.

The Dayton-Springfield order has provided for marketwide pooling for the more than 20 years of its operation in the market. The continuance of marketwide pooling was proposed by the cooperative association supporting the expansion of the order to a larger marketing area. It proposed marketwide pooling to insure that each producer supplying the market will receive his pro rata share of returns for the Class I and Class II utilization. Marketwide pooling is considered necessary in this market to prevent unequal allocation of the burden of market reserves on producers. There was no objection at the hearing to this method of pooling.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area as expanded. The enlarged marketing area and its supply area encompass a fairly wide geographical territory in which the supply of milk readily available for some plants varies considerably from the supply at others. Most handler plants disposing of milk in the proposed marketing area have little, if any, facilities for manufacturing reserve milk. Such plants normally limit their receipts of producer milk to the quantity needed for Class I and procure supplemental supplies for Class I use as needed.

One of the cooperative's plants is the major manufacturing facility and provides an available outlet through which proprietary handlers can readily market surplus milk. Thus, the latter plant is able to carry adequate supplies of milk

on a year-round basis. The marketwide pool will enable any handler who has manufacturing facilities or the cooperative association to handle reserve supplies and yet be able to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve.

As earlier stated, a large part of the milk supply for handlers in this market is furnished by the cooperative association on a full supply basis. A marketwide pool also will make it possible for handlers, including any cooperative association, to divert to nonpool plants reserve milk supplies when these are not needed by pool plants but return to the producers of such milk the uniform price. Without marketwide pooling, the main burden of the Class II returns could fall upon members of the cooperative association. The handling of reserve milk by the cooperative is a necessary service to the market in insuring an adequate supply at all times.

A marketwide pool, on the other hand, will result in equitable distribution among all producers of the lower returns from reserve milk rather than placing the burden of such milk on certain producers. It will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk for the market.

The "Louisville seasonal pricing plan" should be retained.

The Louisville seasonal pricing plan under the Dayton-Springfield order provides for the withholding from the uniform price for each of the months of April, May, June, and July, respectively, of 20, 25, 25, and 20 cents per hundredweight of producer milk. Accumulated funds are paid back to producers on their September, October, November, and December milk on the basis of the following percentages of such monies: 20, 30, 30, and 20 percent, respectively. The Louisville plan provision has been amended twice since its adoption in 1953. In 1957, the month of September was added as one of the "pay-back" months. In April 1964, the "take-out" rates were reduced for April, May, June, and July from 20, 35, 35, and 30 cents, respectively, to 20, 25, 25, and 20 cents.

A dairy farmer representing a small group of producers on the Dayton market proposed elimination of the Louisville plan. He contended that producers are now able to produce milk in a more even seasonal pattern than when the Louisville plan was adopted some 14 years ago. Furthermore, that this attainment of a relatively even seasonal production fulfills the purpose of the Louisville plan and thus the plan is no longer needed. He stated that the plan withholds monies during the spring months when farmers most need their returns from milk for the purchase of farm supplies. He stated further that monies which must be borrowed by producers during the spring months to meet expenses carry a higher interest rate than those earned by funds withheld for payment back to producers in the fall "pay-back" months. In further support he pointed to higher returns possible at Northeastern Ohio (f.o.b. market) blend prices compared to Dayton-Springfield (f.o.b. market) blend prices.

The representative of the principal cooperative association, which represents a large majority of producers on the market, opposed elimination of the seasonal incentive plan. As earlier stated, the association is the principal handler of reserve milk on this market, both weekly and seasonally. This witness pointed out that average daily deliveries per producer for the fall months have substantially improved from 82 percent of spring month deliveries in 1953 (the first year of the Louisville plan), to about 98 percent of such deliveries in 1959–63.

He observed, on the other hand, that immediately following a reduction of withholding rates in 1964, the seasonality of producer deliveries increased somewhat. The ratio of fall deliveries to spring deliveries achieved in the years 1959–63, decreased to 95 percent in 1966. The cooperative's witness contended that to remove the seasonal pricing incentive would (1) necessitate, at increased cost to the market, facilities to handle the increase in volume of producer milk surplus in the spring months, which would be costly to maintain during other periods of decreased production, and (2) disrupt the seasonal alignment of prices with nearby markets.

The primary purpose of the seasonal production incentive plan is to induce dairy farmers to increase fall production in relation to spring production, thus to encourage a more even pattern of milk deliveries throughout the year. It provides a continuing inducement to dairy farmers to increase production during the period of greatest Class I demand and at the time of the year when production costs tend to be highest. The Louisville plan is the main incentive (other than the relatively small seasonal changes in the basic formula price) provided for maintaining seasonal production in line with Class I sales and thus reducing the burden of handling seasonal surplus to the benefit of all producers.

We are in accord with the view that greater efficiency in handling the milk supply will be achieved if an even pattern of production exists and that the Louisville plan should be continued as a means of insuring this condition.

While these western Ohio counties are an area of common supply for the Dayton-Springfield and Northeastern Ohio markets, dairy farmers who ship milk directly to the Northeastern Ohio market will incur hauling charges reflecting the greater distance to the Northeastern Ohio marketing area. Plants located in the Northeastern Ohio market area are at least 150 miles from this supply area while the distance to Dayton-Springfield outlets is 60 miles or less. Any Northeastern Ohio regulated plant located in this supply area would be subject to a location adjustment of 22 cents (based on 150-mile distance).

While levels of minimum blend prices for the Dayton-Springfield market may not be appropriately compared to the minimum blend price level for the Northeastern Ohio market without allowance for the relative distances of the markets from the producer's farm, a proper comparison which nevertheless may favor the Northeastern Ohio market does not adequately support elimination of the Louisville plan from this market. It may simply indicate that the other market may be a more lucrative one for the producer's milk. The proposed elimination of the Louisville seasonal pricing plan therefore is denied.

Producer-settlement fund. Inasmuch as all producers will receive payment at the marketwide uniform price each month (adjusted during certain months for "Louisville plan" payments), and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, a specific method of balancing these differences is necessary.

For this purpose the order should provide for a producer-settlement fund to be operated by the market administrator. A handler whose obligation at class prices according to his utilization is more than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the fund, a reasonable operating reserve should be set aside each month to cover such contingencies as the failure of a handler to pay his monthly billing promptly or for making additional payments due a handler from the fund by reason of audit adjustments. The reserve would be a revolving fund to be adjusted each month by withholding from the pool computation not less than four cents nor more than 5 cents per hundredweight of producer milk. One-half of the unobligated reserve so accumulated would be added to the next monthly pool in computing the uniform price. This would continue the same arrangement as is currently in operation under the Dayton-Springfield order.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator should uniformly reduce payments per hundredweight to such handlers. In order to minimize such occurrences, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments. Producers, in turn, must receive full payment from handlers.

Any payments on partially regulated milk received by the market administrator from any handler also would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby distributed to all producers on the market.

Payments to producers and cooperative associations. Each handler should pay each producer (for whom payment is not made to a cooperative association) not less than the uniform price, adjusted by butterfat and location differentials, for milk received from him. Provision should be made also for a cooperative association, if it so desires, to receive payment at the uniform price for producer milk marketed by it to other handlers. Payment to the individual producer should be made on or before the 17th day of the following month. A partial payment covering milk he delivers during the first 15 days of the month should be made on or before the 27th day of such month. These are the present arrangements under the Dayton-Springfield order.

The Dayton cooperative's proposed rate of partial payment to producers or cooperatives of the Class II price rounded to the nearest 50 cents, should be adopted. It was the cooperative's position that the partial payment should more nearly reflect changes in the Class II price rather than does the present schedule of fixed rates. The fixed rates in the present order have been substantially less than Class II prices in recent periods.

A handler opposed the proposed rate of partial payment on the basis it would represent an excessive "investment" on the part of handlers. This handler objected to paying producers for their milk prior to his receipt of payment for finished products made from the milk.

The arrangement elected by the handler for receiving payment for his finished products should not be a factor to postpone a timely and reasonable partial payment rate to producers. It is therefore concluded that the partial payment of the Class II price (rounded to the nearest 50 cents) for milk delivered to a handler during the 15 days of the month, on the 27th of the month should be provided.

The Act provides for the payment by handlers to cooperative associations for milk delivered on behalf of members and permits the reblending of all proceeds from the sale of member milk. Therefore, each handler, if so requested, should pay a cooperative association with respect to producers for whom it is authorized to collect the full amount due for their milk, in lieu of making payments to the individual producers.

Handlers should be required to pay the association 1 day before payment is required to be made to individual producers. This will enable the association to pay producers for whom it markets milk on the same date that other producers are to be paid by handlers. An association, however, should provide for reimbursement of any loss incurred because of an improper claim.

The collection of payments for milk of producers for whom it markets milk will assist an association in facilitating the transfer and diversion of milk among handlers and aid in the orderly movement of reserve milk to other plants either by transfer or diversion for manufacturing use. Thus, a cooperative association will be better able to discharge its responsibilities to its members and give service to the market.

A handler also should be required to pay a cooperative association for all milk purchased during the month from such association in its capacity as a handler on or before the 16th day of the following month. In the event the cooperative is the handler for producer milk delivered directly (including milk reloaded from one tank truck to another) from the farm to another handler's plant, such payment should be made at not less than the uniform price adjusted by the applicable butterfat and location adjustments. For other milk which a cooperative may deliver from its plant to another handler's plant, payment should be at the class prices according to the classification of milk transferred.

At the time settlement is made for milk received from producers the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and the description of any deduction claimed by the handler in order that the producer may know the basis on which he is paid.

The principal cooperative association proposed a revision in the presently employed method by which producers receive payment for milk from handlers. The association proposal would replace the present system with one under which each handler would pay into the producer-settlement fund his full class price use value of milk and the market administrator would take over the task of paying the individual producers (or in some cases their cooperatives) at the uniform price. Reasons given by proponent in support of this proposal were that (1) it would identify the handler's total cost of milk with his obligation to the producer-settlement fund, and (2) it would definitely establish a date of producer payment on a uniform basis among all handlers.

One handler who purchases considerable quantities of milk from nonmember producers testified in opposition to the adoption of these proposed payments to the producer-settlement fund. This handler and nonmember producers shipping milk to his plant indicated their preference to continue to be paid for their milk by the handler.

The proposed producer payment plan should not be adopted. The problem raised concerning prompt payment for milk seemed to be related to the provision of the present order which permits the cooperative association and the handler to come to an agreement as to which of them will be accountable to the pool for milk marketed. Contrarily, the requirement of the revised provision will be that the handler must account to the cooperative at not less than the uniform price and will be required to pay to the market administrator any balance of his classified use value over its value at the uniform price. This revision should virtually eliminate the type of problem presented by the cooperative.

The record evidence fails to show a history of late or delinquent payments required to be made by handlers regulated by the Dayton-Springfield order. Without more indication of a need for the proposed provisions to solve a marketing problem for producers or their cooperatives or some administrative problem which may not be resolved by the changes adopted herein, it would be difficult to find on the evidence that the plan proposed by the producers is a necessary feature of an order in this market at this time. Such plan therefore is denied.

(b) *Administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation. Except for updating of language for clarity and consistency, these terms are generally the same as have applied for many years under the Dayton-Springfield order to more than 77 percent of the milk which will be subject to pricing under the Miami Valley order. The proponent cooperative association testified as to their importance and requested their continued application under the expanded order.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which establish the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each use of the term implies the same meaning. Such terms, as defined in the attached order, are common to most Federal orders.

(2) *Market administrator.* The order should provide for the appointment by the Secretary of a market administrator to administer the order and should set forth powers and duties of the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Obviously, time limits must be prescribed for filing such reports and for making payments to producers. Similarly, dates must be established for the announcement of prices by the market administrator.

It is essential that handlers' reports be submitted to the market administrator not later than the seventh day of each month. The market administrator should announce the uniform price for the previous month's milk on or before the 12th day of each month. The market administrator should also notify handlers of the amount due on milk handled during the month on or before the 12th day after the end of the month to permit sufficient time for handlers to submit payments due to the producer-settlement fund on or before the 14th day after the month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests,

payments for milk and authorized deductions.

Handlers must maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator likewise must be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

Detailed reports to the market administrator by handlers would be used also to determine whether plants qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk efficiently so that available producer milk will be channeled to Class I uses to the fullest extent possible.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately, it is necessary that such records be kept for a reasonable period of time. The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order should terminate.

The obligations of any handler under the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless the handler fails or refuses to make available all required books and records or a handler's obligation involves fraud or willful concealment of a fact. The provisions made in this order are identical in principle to those adopted for all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). Official notice of such decision is taken. The reasons for such provisions as are set forth in that decision are similarly applicable to the situation in this market and the provisions should be adopted in this order for proper administration.

4. *Expense of administration.* The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 2 cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of producer milk, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order) and receipts from a cooperative association in its capacity as a handler of bulk tank milk.

The maximum rate of administrative assessment of two cents per hundredweight herein adopted is identical with the rate currently in effect under the Dayton-Springfield order and is appropriate for the Miami Valley order. This rate appropriately provided funds for the market administrator to meet the necessary cost of administering the Dayton-Springfield order. Since the funds from this rate of assessment have proved adequate for the expense of prior administration of that regulation, it is expected that this rate will likewise provide adequate funds to cover the initial administrative costs in establishing this regulation. The quantity of milk to be covered is only moderately increased from that subject to the present Dayton-Springfield order.

This order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions included in this decision, be required to either make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk or otherwise pay into such fund and/or dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a fully regulated plant).

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler; i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers.

If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of their milk (computed at order price) it has in the past on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler

There is reason to believe, however, that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to make a payment into the producer-settlement fund. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area that exceeds Class I milk received from other regulated plants or other order plants, irrespective of whether the option to pay into the producer-settlement fund is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the regulated handler should be responsible, as under the present Dayton-Springfield order, for payment of the administrative assessment with respect to such unregulated milk.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for marketing services to producers, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. A qualified cooperative association, approved for such activity by the Secretary, may perform such services for its member producers in lieu of such services by the market administrator.

There is need for continuing the marketing service program in connection with the administration of the order in this area. Orderly marketing will be

promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of an individual producer's deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. This is the same rate as now provided in the Dayton-Springfield order and it has provided funds necessary to conduct the program under that regulation at the time of promulgation.

If later experience indicates that marketing services can be performed at a lesser rate, provision is made in this order whereby the Secretary may adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such marketing services for its members, handlers would be required to pay to the cooperative association such deductions as are authorized by its producer members.

(6) *Adjustment of errors.* The cooperative association proposed a revision in the time requirement applicable to payment of monies due various persons when errors are discovered on audit of any handler's reports, books, records, or accounts. Under the present Dayton-Springfield order audit adjustments resulting in monies due are paid on the date of the next scheduled payment specified in the particular section of the order under which such adjustment occurred. Pursuant to the proposal such adjustments would be carried to the next payment date if they were discovered less than five days before the date ordinarily due.

The provision relating to "adjustment of errors" should be expanded to cover audit adjustments resulting in monies due the market administrator from a handler and a handler from the market administrator, as well as from the handler to a producer or cooperative association. Such adjustments should be paid to the appropriate person on or before the next date for making final payment under the section in which such error occurred. The evidence failed to indicate the necessity for postponing such payment where discovery is made within 5 days of the next payment date, as proposed. The revisions made will improve administrative practice. Such revised provisions should assure prompt payment of monies found due upon audit and provide sufficient time for payment.

(c) Clarifying changes have been made in other provisions which were pointed out in exceptions. These changes relate to the definitions of "distributing plant", "supply plant", "pool plant" (balancing plant of a cooperative association), "other source milk" and "route disposition"; "reports of receipts and utilization"; "Class II milk price"; and "computation of the net pool obligations of each pool handler". These clarifications of order provisions will assist in the effective administration of the order.

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

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid 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;

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

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundred weight as the Secretary may prescribe, with respect to:

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

(2) Other source milk allocated to Class I pursuant to §§ 1034.45(a)(4) and 1034.45(a)(8) and the corresponding steps of § 1034.45(b); and

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

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

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

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

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order regulating the handling of milk in the Miami Valley, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1967 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 7, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Miami Valley, Ohio, Marketing Area

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AUTHORITY: The provisions of this Part 1034 issued under sections 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1034.0 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 Miami Valley, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to:

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

(ii) Other source milk allocated to Class I pursuant to § 1034.45(a) (4) and (8) and the corresponding steps of § 1034.45(b); and

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 8, 1967, and published in the FEDERAL REGISTER on June 15, 1967 (32 F.R. 8591; F.R. Doc. 67-6621), subject to revisions of §§ 1034.11, 1034.12, 1034.13 (a) and (c), 1034.15 (introductory text), 1034.17 (a)(1), 1034.18, 1034.30(a)(1)(i), 1034.45, 1034.52(b), and 1034.54(a); and addition of § 1034.70(g) shall be and are the terms and provisions of this order amending the order and the order is set forth in full herein.

DEFINITIONS

§ 1034.1 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.).

§ 1034.2 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 or to perform the duties of the Secretary of Agriculture.

§ 1034.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1034.4 Person.

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

§ 1034.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of

[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.

producers which the Secretary determines, after application by the association:

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

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

(c) To have all of its activities under the control of its members.

§ 1034.6 Miami Valley, Ohio, marketing area.

The "Miami Valley, Ohio, marketing area", hereinafter called the "marketing area", means all the territory geographically within the places listed below, including all premises wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

OHIO COUNTIES

Champaign.
Clark.
Clinton (except Clark, Green, Jefferson, and Washington Townships).
Greene.
Miami.
Montgomery.
Preble.

§ 1034.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with inspection requirements of a duly constituted health authority for fluid consumption in the marketing area which milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1034.15. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1034.8 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk it delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

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

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1034.61.

§ 1034.9 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant in which milk from his own production is processed and packaged and from which route disposition is made within the marketing area;

(b) Receives from pool plants or other order plants during the month fluid milk products of not more than 2,500 pounds;

(c) Has route disposition consisting only of skim milk and butterfat obtained from pool plants or other order plants in the form of fluid milk products or from his own production;

(d) Receives no milk from other dairy farmers; and

(e) The maintenance, care and management of the herd(s) and other resources necessary to the production, processing and packaging of own-farm milk are the personal enterprise and risk of such person.

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products.

§ 1034.11 Distributing plant.

"Distributing plant" means a plant which is approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which during the month route disposition is made.

§ 1034.12 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as a fluid milk product to a distributing plant.

§ 1034.13 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1034.61.

(a) A distributing plant from which during the month:

(1) Route disposition made within the marketing area is at least 15 percent of its total route disposition; and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1034.45(a) (5) (i) and (iii) and (10)), and cooperatives as handlers pursuant to § 1034.8, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant § 1034.8 (c) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

(c) A plant, other than a distributing plant, operated by a cooperative association if, during the month, more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to one or more distributing plants of other handlers qualified under paragraph (a) of this section either from such plant of the cooperative association or pursuant to § 1034.8(c), except that on written request for nonpool status made to the market administrator prior to the beginning of any month, the plant shall be a nonpool plant for such month and for each of the succeeding 11 months in which it does not qualify pursuant to paragraph (a) or (b) of this section on the basis of shipments.

§ 1034.14 Nonpool plant.

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

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

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

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which there is route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

§ 1034.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject

to pricing and pooling under the terms and provisions of another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants;

(b) Diverted during the month by a handler from a pool plant to another pool plant; or

(c) Diverted by a handler from a pool plant to a nonpool plant for not more than one-third of the days of delivery during any month from August through March, and for not more than two-thirds of the days of delivery during any month from April through July. Producer milk diverted by a handler shall be priced at the location of the plant to which diverted;

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1034.8(c), in addition to that pursuant to paragraph (a) of this section; and

(e) Delivered in a farm tank pickup truck, except that delivered by a cooperative association as a handler pursuant to § 1034.8(c), to more than one pool plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixture of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, and evaporated or condensed milk or skim milk in either plain or sweetened form.

§ 1034.17 Other source milk.

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

(a) Receipts during the month in the form of fluid milk products except: (1) Producer milk (including own farm production), (2) fluid milk products received from other pool plants either by transfer or diversion, and (3) sterilized cream received and disposed of in the same hermetically sealed metal or glass container;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged, converted into or combined with another product during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1034.18 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, and disposition from a plant store or through vendor or vending machines) of any fluid milk product to a retail or wholesale outlet either directly or through a distribution point other than a plant.

MARKET ADMINISTRATOR

§ 1034.20 Designation.

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

§ 1034.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend to the Secretary amendments thereto.

§ 1034.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator 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 the terms and provisions of this part.

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

(d) Pay, out of the funds provided by § 1034.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1034.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

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

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1034.30 and 1034.32 or (2) payments pursuant to §§ 1034.80, 1034.84, 1034.86, 1034.87, and 1034.88.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request.

(h) Verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handler's records and, if made available of the records of any other person upon whose utilization the classification of skim milk or butterfat depends.

(i) Publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) On or before the sixth day of each month the minimum price for Class I milk pursuant to § 1034.51 and the Class I butterfat differential pursuant to § 1034.53(a) both for the current month, and the minimum price for Class II milk pursuant to § 1034.52 and the Class II butterfat differential pursuant to § 1034.53(b) both for the preceding month.

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1034.71 and the butterfat differential computed pursuant to § 1034.81 for such month.

(j) Notify on or before the 12th day after the end of each month each handler who reported pursuant to § 1034.30 of:

(1) The amount and value of such handler's milk in each class computed pursuant to § 1034.45 and § 1034.70;

(2) The uniform price computed pursuant to § 1034.71; and

(3) The amount to be paid by such handler pursuant to §§ 1034.62, 1034.84, 1034.87, and 1034.88 and the amount, if any, due such handler pursuant to § 1034.85.

(k) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 1034.80.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1034.45(a)(9) and the corresponding step of § 1034.45(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.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1034.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report.

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator

of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(o) Prepare and make available for the benefit of producers, handlers and consumers, statistics and information concerning the operation of this part which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1034.30 Reports of receipts and utilization.

On or before the seventh day of each month the following handlers shall report for the preceding month to, and in detail on forms prescribed by, the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk (including own farm production) received;

(ii) Fluid milk products received from other pool plants;

(iii) Other source milk, with the identity of each source;

(2) Inventories of fluid milk products on hand at the beginning of the month in bulk and in packaged form, separately;

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month; and

(iii) Route disposition inside and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to producer milk for which it is the handler but not otherwise reported under paragraph (a) of this section or § 1034.46(b):

(1) Receipts of skim milk and butterfat in producer milk;

(2) The utilization of skim milk and butterfat handled;

(3) The quantities of skim milk and butterfat caused to be delivered to pool plants of other handlers or to nonpool plants;

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

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include separate data on route disposition in the marketing area.

§ 1034.31 Other reports.

(a) Each producer-handler and each handler exempt pursuant to §§ 1034.61 and 1034.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1034.32 Payroll reports.

(a) Each handler pursuant to § 1034.8 (a), (b), or (c) shall submit to the market administrator on or before the 20th day after the end of the month, his producer payroll for that month which shall show for each producer:

(1) The daily and total pounds of milk received from such producer with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the price, deductions and charges involved.

(b) Each handler operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month the same information as is required pursuant to paragraph (a) of this section of a handler operating a pool plant if he wishes his obligation under § 1034.62 to be computed according to § 1034.62(a). Such report shall include payments to dairy farmers delivering Grade A milk.

§ 1034.33 Records and facilities.

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

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

§ 1034.34 Retention of records.

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

CLASSIFICATION

§ 1034.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to §§ 1034.30 and 1034.31 shall be classified by the market administrator as Class I milk or Class II milk subject to the conditions of this section and §§ 1034.41 through 1034.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such product shall be included in classifying the total product weight.

§ 1034.41 Classes of utilization.

The classes of utilization of milk shall be as follows:

(a) *Class I milk*. Class I milk means skim milk (except as provided for fortified fluid milk products pursuant to § 1034.40) and butterfat:

(1) Disposed of in the form of fluid milk products other than those specified pursuant to paragraphs (b) (2), (3), and (4);

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk*. Class II milk means skim milk and butterfat:

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

(2) Disposed of and used for livestock feed or as skim milk dumped;

(3) Contained (skim milk only) in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) of this section;

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

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c) (1) and (3); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c)(2).

§ 1034.42 Shrinkage.

Skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 1034.41(b) (5) and (6) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 1034.41 (a) and (b) (1), (2), (3), and (4) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 1034.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 1034.41(b) (5) and (6);

(b) Compute the total shrinkage of skim milk and butterfat; and

(c) Subject to the conditions of subparagraph (3) of this paragraph, pro rate the resulting amounts between the quantities specified in subparagraphs (1) and (2) of this paragraph. The amounts assigned to the quantities in subparagraph (1) of this paragraph shall not exceed 2.5 percent of such quantities and the amounts assigned to the other source milk included in subparagraph (2) of this paragraph shall equal the actual shrinkage allocated to these quantities.

(1) The receipts of producer milk at such plant less transfers of fluid milk products in bulk form to other pool plants; plus 60 percent of the fluid milk products transferred in bulk to other pool plants; and plus 40 percent of the fluid milk products received in bulk from other pool plants and other order plants, exclusive of the quantities from other order plants for which Class II utilization was requested by the operator of such plant and the handler;

(2) Other source milk in the form of fluid milk products exclusive of that specified in subparagraph (1) of this paragraph; and

(3) If settlement by a handler on milk received from a cooperative association pursuant to § 1034.8(c) is made on the basis of weights and butterfat tests determined at the farm and the market administrator is so notified of such basis of settlement by the date the handler is required to submit his monthly report pursuant to § 1034.30, 2.5 percent shrinkage shall be allowed the handler with respect to all such milk, otherwise to 60 percent of such receipts and the balance (computed at the 2.5 percent rate) to the cooperative association supplying the milk.

§ 1034.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product disposed of by a handler from a pool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1034.45 (a) (9) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1034.45(a) (4), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1034.45 (a) (9) and (b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(4) If the movement is from a pool distributing plant to a pool supply plant, it shall be considered Class II utilization to the extent such utilization is available at the receiving plant.

(b) As Class I milk, if moved to a producer-handler or a plant exempt pursuant to § 1034.60(b);

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1034.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products for such nonpool plant;

(ii) Class I utilization in excess of that assigned pursuant to subdivision (i) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products 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

(iii) 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

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

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

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

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1034.41.

§ 1034.44 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk at each such plant.

§ 1034.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1034.44, the market administrator shall determine, for each pool plant, the classification of producer milk received thereat. In making the allocations for this purpose under paragraphs (a) and (b) of this section, any subtractions of receipts of skim milk or butterfat (except other source milk received as cottage cheese curd to be subtracted pursuant to subparagraph (4) (i) of this paragraph) to begin with Class II milk shall be made in series starting with skim milk and butterfart other than that used to produce cottage cheese, then skim milk and butterfat used to produce cottage cheese, prior to any such subtractions from Class I milk.

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1034.41(b) (5);

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

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

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

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

(3) Except for the first month this order is effective with respect to each handler, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract successively 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, provided that any such milk received as cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization.

(ii) Receipts of fluid milk products for which Grade A certification is not established or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization (other than cottage cheese manufacture) but not in excess of the pounds of skim milk remaining in such Class II uses;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such pool plants in producer milk, in receipts from other pool handlers and in receipts in bulk order from other order plants; and

(*c*)(*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(*2*) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(6) 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 the order is effective with respect to each handler, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk.

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1034.43(a); and

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

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

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

§ 1034.46 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as 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.

(b) Producer milk in bulk delivered by a cooperative association as a handler under § 1034.8(c) to the pool plant of another handler, or caused to be diverted by the cooperative association from one pool plant to another, shall be classified according to use or disposition at the receiving plant, and the value thereof at the class prices shall be included in the net pool obligation computed for such handler pursuant to § 1034.70. For purposes of location adjustments pursuant to § 1034.54 and administrative expense pursuant to § 1034.88, such milk shall be treated as producer milk of the receiving handler.

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

MINIMUM PRICES

§ 1034.50 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 computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department (hereinafter referred to as the Chicago butter price). The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05.

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price per hundredweight for Class I milk for the month shall be determined by the market administrator as follows:

(a) Add $1.24, plus 20 cents through April 1968, to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 39 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory except as provided in subparagraph (3) of this paragraph, and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and Part 1033 of this chapter (Greater Cincinnati order) for the second, third, and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by 3 cents.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	Sept., Oct., Nov.	66	69
February	Oct., Nov., Dec.	68	71
March	Nov., Dec., Jan.	69	72
April	Dec., Jan., Feb.	68	71
May	Jan., Feb., Mar.	68	71
June	Feb., Mar., Apr.	66	69
July	Mar., Apr., May	60	63
August	Apr., May, June	54	57
September	May, June, July	52	55
October	June, July, Aug.	53	56
November	July, Aug., Sept.	58	61
December	Aug., Sept., Oct.	62	65

(3) For the third month this subparagraph is effective, the monthly ending inventory of packaged fluid milk products for the month preceding such month shall be deducted in computing the 3 months' Class I milk total under subparagraph (1) above and the same adjusted monthly Class I milk total shall be used in the two successive 3 months' Class I milk total in subparagraph (1).

§ 1034.52 Class II milk prices.

Subject to the provisions of § 1034.53, the prices per hundredweight for Class II milk for the month shall be computed by the market administrator as follows:

(a) Except as provided in paragraph (b) of this section, the amount for the month computed pursuant to § 1034.50, but not more than the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph (rounded to nearest cent), plus 10 cents:

(1) From the Chicago butter price computed pursuant to § 1034.50, subtract 3 cents and multiply 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 for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

(b) For skim milk in producer milk used to produce cottage cheese the amount computed for the month pursuant to paragraph (a) of this section plus 20 cents.

§ 1034.53 Butterfat differentials to handlers.

(a) Class I price. Multiply the Chicago butter price computed pursuant to § 1034.50 for the immediately preceding month by 0.120.

(b) Class II price. Multiply the Chicago butter price for the month by 0.115.

§ 1034.54 Location adjustment to handlers.

(a) The price for Class I milk at a plant located outside the marketing area and more than 50 miles by the shortest hard-surface highway distance as determined by the market administrator from the nearest of the main post offices of Dayton, Piqua, Springfield, Urbana, or Wilmington, Ohio, shall be the price computed pursuant to § 1034.51(a) reduced according to the rates set forth in the following schedule for the distance of the plant from such nearest basing point:

Distance from basing point	*Rate per hundredweight (cents)*
Less than 50 miles	0
More than 50 miles but not more than 60 miles	9.0
For each additional 10 miles or fraction thereof in excess of 60 miles, an additional	1.5

(b) Fluid milk products received by a handler at a pool plant from another pool plant shall be assigned for Class I location adjustment credit, at the appropriate distance rate as set forth in paragraph (a) of this section, in a volume not in excess of 110 percent of Class I milk (exclusive of producer milk diverted as Class I milk to nonpool plants) at the transferee plant less the sum of receipts at such plant directly from producers and Class I milk assigned to receipts from other order plants and unregulated supply plants. Such assignments shall be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply. If a pool distributing plant has direct receipts from producers less than 110 percent of Class I milk at such plant any bulk transfers to such plant from another pool plant to which a location credit applies shall be assigned to the Class I disposition at the transferee plant prorated with the sum of receipts at such plant of producer milk and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants.

§ 1034.55 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1034.60 Producer-handlers and Governmental Agencies.

(a) Sections 1034.40 through 1034.55 and §§ 1034.61 through 1034.88 shall not apply to a producer-handler.

(b) None of the provisions of this part except § 1034.14 shall apply to a plant operated by a governmental agency.

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part other than §§ 1034.30, 1034.31, 1034.32, 1034.33, and 1034.34 shall not apply to:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the three months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

§ 1034.62 Obligation of a 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 §§ 1034.30 and 1034.32 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1034.30 and 1034.32, similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1034.13(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 route disposition (other than to pool plants) in the marketing area;

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

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

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

DETERMINATION OF PRICES TO PRODUCERS

§ 1034.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class for such handler, as computed pursuant to § 1034.45(c), by the applicable class prices (adjusted pursuant to §§ 1034.53 and 1034.54) and add the resulting amounts.

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1034.45(a)(11) and the corresponding step of § 1034.45(b) by the applicable class prices.

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(6) and the corresponding step of § 1034.45(b).

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(3) and the corresponding step of § 1034.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1034.45(a)(4) and the corresponding step of § 1034.45(b).

(f) Add an amount equal to the value at the Class I price adjusted for location (in the manner provided pursuant to § 1034.54) of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(8) and the corresponding step of § 1034.45(b).

(g) Add, with respect to a cooperative association which is allocated shrinkage of skim milk or butterfat pursuant to § 1034.42(c)(3), an amount computed by multiplying hundredweight of such shrinkage by the Class II milk price (adjusted pursuant to §§ 1034.53 and 1034.54).

§ 1034.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1034.70 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 1034.80 and 1034.84 for the preceding month;

(b) Add an amount equal to the sum of the location differential adjustments computed pursuant to § 1034.82;

(c) Subtract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 1034.81;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

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

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1034.70(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and, except for the months specified below, shall be the "uniform price" for milk received from producers;

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

(h) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(i) Add for each of the months of September, October, November, and December, 20, 30, 30, and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.83(b) on August 31, immediately preceding;

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

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1034.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each

handler shall make payment for producer milk received during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month not less than the Class II price for the preceding month computed to the nearest 50 cents multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month to each producer, not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1034.87;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer.

(3) If by such date for final payment, such handler has not received full payment from the market administrator pursuant to § 1034.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1034.5, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made 1 day in advance of the applicable payment dates in paragraph (a), subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 15th day of the following month, each handler shall pay to each cooperative association for milk the handler receives during the month from a pool plant operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials;

(d) On or before the 15th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler during the month pursuant to § 1034.8(c) shall pay such cooperative association for such milk at the uniform price, adjusted by applicable butterfat and location differentials; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its member producers in accordance with such provision of the Act.

§ 1034.81 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1034.45 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1034.82 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1034.71, the uniform price at a pool plant shall be reduced on the basis of the applicable amount or rate for the location of such pool plant pursuant to § 1034.54;

(b) For the purpose of computations pursuant to § 1034.84 the weighted average price shall be adjusted on the basis of the applicable amount or rate pursuant to § 1034.54, applicable at the location of the nonpool plant from which the milk was received.

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.62, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(l).

§ 1034.84 Payments to the producer-settlement fund.

On or before the 14th day of the following month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1034.70 for such handler for the month; and

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform price specified in § 1034.71 (in the case of a cooperative association as a pool handler pursuant to § 1034.8(c) the value of milk so delivered to the pool plant of another handler shall be computed as a receipt of the latter); and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1034.70(f).

§ 1034.85 Payments out of the producer-settlement fund.

On or before the 16th 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 § 1034.84(b) exceeds the amount computed pursuant to § 1034.84(a). The market administrator shall offset any payment due any handler against any payments due from such handler.

§ 1034.86 Adjustments of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results 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 such amount due, and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1034.87 Marketing services.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 1034.80, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as

determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

§ 1034.88 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1034.8(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 14th day after the end of the month, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to §§ 1034.45(a)(4) and 1034.45(a)(8) and the corresponding steps of § 1034.45(b); and

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

Effective Time, Suspension or Termination

§ 1034.90 Effective time.

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

§ 1034.91 Suspension or termination.

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

§ 1034.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, 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. 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 when so directed by the Secretary, 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 may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 1034.93 Liquidation after suspension or termination.

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

Miscellaneous Provisions

§ 1034.100 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 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 information:

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or 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.

§ 1034.101 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.

§ 1034.102 Separability of provisions.

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

[F.R. Doc. 67-9398; Filed, Aug. 9, 1967; 8:50 a.m.]

[7 CFR Part 1073]

[Docket No. AO 173-A21]

MILK IN WICHITA, KANS., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kans., marketing area, which was issued July 28, 1967 (32 F.R.

11233), is hereby extended from August 7 to August 15, 1967.

Signed at Washington, D.C., on August 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-9372; Filed, Aug. 9, 1967; 8:48 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226-A16]

MILK IN PUGET SOUND, WASH., MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound, Wash., marketing area. Interested parties may file written exceptions to this decisions with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on March 14-16, 1967, pursuant to notice thereof which was issued March 6, 1967 (32 F.R. 3834).

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

1. Establishing a higher priced class for specified manufacturing products and applying Class I location differentials thereto;

2. Modification of the basis of computing the location adjustment applicable to the excess price as a corollary to changes in classification and pricing;

3. Redistricting certain counties in and adjacent to the marketing area for purposes of revising location adjustments on class prices and in paying producers;

4. Elimination of provisions which permit pool plant status of reload facilities and as points for pricing producer milk;

5. Providing for the proration of receipts among several handlers with respect to split deliveries of a bulk tank load of producers' milk;

6. Providing for nonproducer milk status on milk from other markets (not Federal order markets) used solely for manufacturing purposes under the Puget Sound order; and

7. Miscellaneous and conforming changes.

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 and pricing of milk used in manufactured products.* The order should be amended to divide the present Class II classification into two classes. The new Class II should include all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, bakers' cheese, pot cheese, cream cheese and neufchatel cheese. Condensed milk and skim milk used to produce any Class II milk product, and fluid milk products disposed of in bulk to a commercial food processing establishment should also be classified as Class II.

Class III would include all other manufactured dairy products currently classified as Class II. The principal items in Class III would include all skim milk and butterfat used to produce evaporated milk, condensed milk and skim milk (not otherwise classified as Class II), butter, nonfat dry milk solids, powdered whole milk, casein, Cheddar and Italian cheeses, milk in shrinkage and in fluid milk products dumped, or disposed of for livestock feed.

The new Class III would be priced at the present Class II price and the new Class II utilization would be priced 25 cents above that figure.

The order presently provides for a two-class pricing system whereby most manufactured products are classified as Class II. The Class II price is based on the Minnesota-Wisconsin price series, not to exceed a limit related to butter and nonfat dry milk values.

In addition, the order now provides for a plus 25 cent per hundredweight location adjustment applicable to milk in certain Class II uses (principally condensed, cottage cheese, ice cream and ice cream mix) at District 1 plants or those located in the counties of Kitsap, Mason, or Pierce.

The United Dairymen's Association, representing about two-thirds of the producers on the market, proposed a new Class III to include skim milk and butterfat used to produce butter, nonfat dry milk, powdered whole milk, Cheddar cheese, milk dumped and in shrinkage. They modified their proposal on the record to include in Class III milk utilized in all cheeses (including Cheddar) having 50 percent or more butterfat on a dry basis (generally cheeses manufactured from whole milk) and in Class II, all other cheeses not meeting this butterfat standard. Other items proposed for inclusion in Class II were evaporated milk and the products to which the special Class II location adjustment is now applicable in the District 1 area, mainly condensed milk, cottage cheese, ice cream and ice cream mix.

The association proposed a Class III milk price the same as the present Class II, and a price for skim milk and butterfat utilized as Class II products 25 cents over such Class III price and, with one exception, subject to the same location differentials as are now applicable to Class I milk. Location adjustments for this purpose would be limited to a maximum of 25 cents per hundredweight.

The association proposals for classification and pricing in effect would extend the present plus adjustment (25 cents per hundredweight) now applicable to usage in certain Class II products in certain parts of the market to apply on a marketwide basis, as well as making it applicable to additional products, principally evaporated milk and cheeses having less than 50 percent butterfat on a dry basis. At plants outside District 1 and not located in Kitsap, Mason, or Pierce Counties, the proposed Class II price would be adjusted by the location differentials now applicable to Class I milk.

In support of their position on these proposals the proponent association indicated that handlers in the market have demonstrated a preference for Grade A milk and skim milk for use in the manufactured products in the proposed Class II classification.

The Cow Milkers' Association and most regulated handlers generally objected to an increase in order minimum prices for certain manufactured products, particularly for skim milk and butterfat utilized in evaporated and condensed milk and in the Italian and other types of cheeses having less than 50 percent butterfat on a dry basis. Generally, their testimony was directed to the similarity in the competitive situation relative to the sale of evaporated and condensed milk and the Italian type cheeses with butter and powder on a national market. Mozzarella cheese, the principal Italian variety of cheese manufactured in the market, is sold in Washington and Oregon and some quantities are sold to outlets located in Alaska and Japan. A substantial distribution of evaporated milk products is made to outlets located in Utah and as far south as the Mexican border.

It is concluded that the present Class II products for which the Class II premium location adjustment is now applicable in District 1 (and the three-county area), principally cottage cheese, ice cream and ice cream mix and condensed milk, should be included in the new Class II classification and be priced 25 cents per hundredweight higher than the present Class II milk price. Skim milk and butterfat utilized in manufactured products such as evaporated milk, butter, hard and Italian type cheeses and dry milk solids, whole or nonfat, should be classified as Class III and priced on the basis of the present Class II pricing formula.

Condensed milk utilized in the manufacture of any product as here defined as Class II should also be classified as Class II. Condensed not so utilized should be Class III.

Ice cream, ice cream mix, and cottage cheese constitute a substantial outlet for reserve market supply of producer milk. Also, the ice cream and cottage cheese market is a year-round market requiring regularity of supply of producer milk to meet the market needs. During 1965, about 25 percent of producer milk was so utilized. The principal use of condensed milk in the market is in the manufacture of these products.

Although there is no requirement throughout the area that Grade A milk be used in the manufacture of ice cream, ice cream mix and cottage cheese, there is, however, a general demand by handlers for Grade A milk and skim milk on a regular basis for such uses.

Handlers manufacturing ice cream and cottage cheese in this market rely upon cooperative associations for a substantial quantity of the Grade A supply of producer milk for such purposes.

The added value now associated with producer milk in such uses in the District 1 area above that of other manufactured products should attach also to all the milk so utilized by handlers regulated under the order. This, together with appropriate adjustments for location as hereinafter adopted, will promote uniformity in pricing among handlers, regardless of the location of their plants, and will return uniformly to all producers on the market the proceeds for such higher valued uses.

The Everett-Seattle-Tacoma metropolitan areas are the predominant population centers in the market and thus represent the principal outlets for fluid milk products as well as ice cream, cottage cheese and other Class II products.

Slightly more than two-thirds of the milk which would be classified and priced as Class II is now received at District 1 plants. Of the remainder, some moves to the market in the form of cottage cheese. This cheese is manufactured at a plant located at Chehalis, Wash., which is in District 3.

Much of the remaining milk which would be classified as Class II and which is received at plants outside District 1 is moved in the form of condensed skim for use in ice cream and ice cream mixes. The volume of milk moving to the central market in condensed form has been increasing steadily.

Inasmuch as handlers located in the central market area generally are dependent upon supplemental Grade A milk supplies from the other pricing districts of the marketing area, the differences in cost of transporting producer milk for the higher valued Class II uses should be reflected in the relative returns to producers in the respective districts.

The proponents recommended that the location differentials applicable to Class II milk be at the same rate as those applied to Class I milk.

As noted above, however, a very substantial and increasing proportion of the milk which would be classified as Class II at plants located outside District 1 moves to District 1 plants in concentrated form. The cost of moving skim milk in the form of cottage cheese or condensed is much less than the cost of moving an equivalent volume of fluid skim milk in an unconcentrated state. Hence, to allow location differentials based on the cost of moving whole milk or skim milk in a volume equivalent to the solids in the concentrated product would result in producers paying the cost of transporting to District 1, the water which was removed from the skim milk at the country plants.

To prevent this, the rate of location differential on Class I products should be established at one-half the rate applicable to Class I milk. No change should be made in the rate of the location differential applicable to the uniform price paid to producers.

Proponents proposed that the location differential on Class II milk should not exceed 25 cents regardless of the location of the plant. Otherwise, producers could receive a price less than the Class III price for a portion of their milk. Fixing the location differential for Class II milk at one-half the rate established for Class I milk will eliminate the possibility, since the maximum rate applicable to Class I milk is 40 cents per hundredweight.

While Italian type cheeses and evaporated milk in many cases contain Grade A milk, they are not products required under the applicable health regulations to be made from Grade A milk. They are storable, easily transported and compete in the national market with similar products from other sources (both federally regulated and unregulated) where the applicable price approximates the Puget Sound Class III price (the present Class II price).

As stated earlier, Mozzarella cheese processed by regulated handlers in this market is sold throughout the entire coastal region as well as to outlets located in Alaska and Japan. Evaporated milk produced by local plants is regularly disposed of to outlets as far away as the Mexican border.

Mozzarella and other varieties of cheese manufactured at plants located in Wisconsin and elsewhere are obtainable in the Puget Sound market at prices competitive with those of the local manufacturing plants. Unrealistically high prices for Italian type cheeses and evaporated milk would only discourage the use of producer milk in their manufacture, resulting in a loss of important outlets for reserve milk supplies.

The order should continue to include evaporated milk and all cheese except cottage cheese (and specialty cheeses, i.e., baker's, pot, cream, neufchatel) in the lowest surplus classification together with butter, dry milk solids and related products. The three-class system as here adopted provides for classification and pricing of manufactured dairy products similar to that provided under the Inland Empire order market, the nearest federally regulated market to the Puget Sound market.

The changed basis for establishing and classifying skim milk and butterfat used to produce manufactured dairy products requires various changes in the order. These are necessary since a handler must not only account for Class II and Class III products produced in his plant but also must establish his actual disposition and month-end inventory of such products. The necessary changes in this regard are provided in the attached order.

2. *Computation of the location adjustments for excess milk.* Money paid by handlers for Class II milk in excess of the Class III price should be distributed to producers in all districts through the excess milk location adjustment in a manner similar to that now provided for in District 1. The funds made available through the pool would for any month be prorated over all producer excess milk pooled for that month. This will assure that all producers on the market will share uniformly in returns in utilization in the higher valued Class II products.

The amount available should first be applied to excess milk except that the location adjustment rate to apply on excess milk should not exceed a maximum of 25 cents per hundredweight for District 1 and specified lesser amounts in other districts. Any amount in excess of that required to pay the excess location adjustment should be added to the base pool.

3. *Location adjustments.* The order now divides the marketing area and adjacent portions of the milkshed into several districts for the purpose of pricing producer milk in accordance with its location value. Certain of these districts should be redefined as follows: (1) Thurston and Grays Harbor Counties, now in District No. 1, where there are no applicable location adjustments, should be included in the 15-cent and 20-cent per hundredweight location adjustment zones, respectively; and (2) Mason County (not a part of the designated marketing area) now included in the zero location adjustment zone, should be, for location pricing only, included in the 15-cent per hundredweight zone. The present five districts should be regrouped into four districts, numbered from one to four generally in order of distance from and the cost of transporting milk to the market. No change in the boundaries of the defined marketing area, however, is involved in these amendments.

The United Dairymen's Association proposed to include Grays Harbor County with Lewis and Pacific Counties in the 20-cent location adjustment zone; Mason County (not in the defined marketing area) and Thurston County in the 15-cent zone; and the three northern tiers of townships in Snohomish County in a new 10-cent zone. Presently the counties of Grays Harbor, Mason, Thurston, and Snohomish are a part of District 1 where no location adjustments apply.

The most economical means for supplying the Class I needs of the market is for nearby milk to be delivered from farms to bottling plants to the full extent available and for more distant supplies to be delivered only when needed. Seasonal day-to-day reserves can then be diverted economically to manufacturing plants in areas where there are facilities. This optimum arrangement may be more nearly achieved by the redistricting as here adopted.

Producer groups and handlers generally were favorable to the proposed redistricting of Grays Harbor County. Controversy centered chiefly on the change with respect to Thurston County.

Grays Harbor County is located at the base of the Olympic Peninsula of Washington and is presently one of the counties comprising District 1, in which there are no applicable location adjustments on Class I milk. The principal population center in the county consists of the neighboring cities of Aberdeen and Hoquiam.

Since the inception of the Puget Sound order in 1951, Grays Harbor County has been included in District 1. At the outset of regulation for this market, a high percentage of Grade A milk produced in the Aberdeen-Hoquiam milkshed (generally Grays Harbor and Mason Counties) was utilized as Class I milk. During 1951, 72 percent of such producer receipts at plants located in Grays Harbor County was disposed of as Class I route disposition. Since this time, however, most local bottling and manufacturing outlets have closed. A case in point is the plant located at Satsop which at one time provided an outlet in Grays Harbor County for the manufacture of reserve milk not required for fluid use. Substantial quantities of the milk produced in this area now move to manufacturing facilities located to the east such as the plant at Chehalis, Wash. (located in the 20-cent location adjustment zone) or to plants located in the Seattle area.

The principal remaining bottling plant operation in the county is located at Hoquiam, Wash. Except for this relatively small plant, the principal suppliers of fluid milk and fluid milk products on routes in the consuming centers of the county are located outside the county. Since 1961, less than 30 percent of the producer milk in the Grays Harbor milkshed has been utilized as Class I milk.

The 20-cent location adjustment as adopted herein for Grays Harbor County is the current hauling rate filed by handlers with the Public Utility Commission in Olympia, Wash.

A witness testifying on behalf of a small association of producers located in the county favored the continuation of the present location zone status of Grays Harbor County but indicated that the application of a 20-cent per hundredweight location adjustment for the county probably would result in no long-term disadvantage to the producers. This association presently ships, on a monthly basis, approximately 385,000 pounds of milk to the Hoquiam bottling plant and approximately 650,000 pounds to outlets located in Seattle. Seattle is the primary market for their producer milk.

The changed marketing situation characterizing Grays Harbor County is similar to that which has occurred in Thurston County, now in the district (District 1) where no location adjustments are applicable. Bottling plants which in the past were located in the county are no longer in operation.

Milk produced in this area has since tended to move to local regulated supply plants for manufacturing into such products as cheese and ice cream. At the present time because of its location in District 1, no location differential applies to this milk. Accordingly, the incentive for the movement of this milk to the principal population center, namely Seattle and Tacoma, for use in the higher valued fluid milk products is lacking in that producers are paid the same uniform prices at these outlying manufacturing facilities as they would receive if their milk were shipped to bottling plants in Seattle or Tacoma.

The present absence of a location adjustment applicable to this county, therefore, tends to hinder the efficient movement of milk to nearby Tacoma and Seattle, where the milk is needed for use in Class I. As a consequence, plants located in the central market have had to draw upon more distant sources in the market to supplement their needs and at an additional cost to producers sharing in the marketwide pool.

Currently, Mason County (although not a part of the marketing area) is included in the defined area in which no location differential applies.

There are presently no known regulated plants in the county to which such provisions are applicable. If, however, a plant located in the county should become regulated, the producer milk should be subject to the same 15-cent per hundredweight location differential as is adopted herein for regulated plants located in Thurston County. The same marketing conditions which warrant the inclusion of Thurston County in the 15-cent per hundredweight adjustment zone apply equally to the marketing situation with respect to Mason County.

In the case of Thurston and Mason counties, no filed hauling rates are indicated on the record. However, the 15-cent per hundredweight rate corresponds closely to filed rates in other parts of the marketing area where conditions and terrain are similar. The rate conforms also to hauling costs experienced by the proponent association in moving milk from this area.

The proposal to redistrict a portion of Snohomish County was not sufficiently supported by evidence in the record to warrant consideration at this time and is, therefore, denied.

The following portions of the marketing area definitions and handler location adjustment provisions of the order reflect the changes adopted by these findings.

Puget Sound, Wash., marketing area. "District 1" shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. "District 2" shall include Thurston, Skagit, and Island Counties. "District 3" shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. "District 4" shall include San Juan County.

Location adjustments to the Class I and uniform prices:

Plant location	*Differential cents per cwt.*
District 1 or Kitsap or Pierce Counties	0
District 2 or Mason County	15
District 3 (including the entire counties of Lewis or Pacific) or Kittitas County	20
District 4 and other locations outside the marketing area	40

4. *Reload points.* Present order provisions which provide pool plant status to reload facilities should be eliminated. This change would effect a shift in the point of the pricing of such milk from the location of the reload point to the location of the pool plant.

Currently, the buildings, premises, and facilities of a reload point which meet the approval by an appropriate health authority, constitute a "plant" as defined under the order unless all milk handled through such reload facilities during the month is moved to a single plant in the same district. Reload facilities which have "plant" status likewise have the status of a pool supply plant under the order if such facility is located in the marketing area, or if it is located outside the marketing area and moves specified percentages of its Grade A milk in fluid form to pool distributing plants during the month.

The United Dairymen's Association requested that the reload points be eliminated from the pricing provisions of the order.

The Cow Milkers' Association supported the elimination of reload points for pricing purposes but was opposed to any change which would affect its own status as a handler under the order by virtue of its being an operator of a reload facility, a qualified pool plant under the order. The association representative stated, however, that the maintenance of handler status under the order is a temporary problem inasmuch as they had applied to the Department for recognition as a cooperative under § 1125.5 of the order. Official notice is taken of the fact that this association has now been recognized as a qualified cooperative association under the terms of the order. As such, the association would be a handler with respect to its bulk tank shipments of milk from member farms to pool plants or by diversion of the milk of its member producers from a pool plant to a nonpool plant. With this exception, there was no opposition to the changes in reload pricing as adopted herein.

Appropriate order provisions relating to the handling of milk through reload points must conform to the functions of reload facilities in a particular market. Such functions vary from one market to another. A case in point is that reload points used as a point of transfer for milk moving to the market from distant sources of supply is not characteristic in the Puget Sound market as it is in certain other markets. Further, the functions of reload facilities change over time in a market as evidenced from testimony on the record.

Five reload points were in operation as of January this year, all located in District 1 of the marketing area. Such facilities located at Stanwood and Arlington

(Snohomish County) are operated by Carnation Company and the Cow Milkers' Association, respectively. The remaining three facilities are located in Snohomish, Thurston, and Grays Harbor Counties and are operated by affiliates of United Dairymen's Association.

Testimony of representatives of United Dairymen's Association and the Cow Milkers' Association was directed to certain marketing practices relating to the movement of milk through reload points which were disruptive to the orderly marketing of milk in the area. It was the consensus of these witnesses that the advantages of reload pricing were far outweighed by the uneconomical practices which developed as a consequence.

Milk is being moved from districts in the marketing area where a 15 to 20 cent per hundredweight location differential is applicable to reload facilities in District 1 (area of no location differentials) and then moved back to plants in the originating district for processing into manufactured milk products. The costs of such uneconomical movements of milk are reflected in lower returns to all producers on the market. Pricing milk at the location of the pool plant which processes the milk received through the reload facilities will serve to eliminate such marketing practices.

It is concluded that treatment of a reload point under the order in a manner identical to that of a pool supply plant with respect to pricing, location differentials to handlers and performance requirements for pool status is no longer serving the conditions of orderly marketing in this area and should be discontinued. A reload point used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck should not, therefore, be considered a plant. This would shift the location of pricing on milk moving through reload points from the location of the reload point to the location of the processing pool plant.

Any reloading operations on the premises of a plant engaging in other milk handling and processing operations should, however, continue to constitute part of the operations of such plant.

5. *Proration of receipts on split deliveries of bulk tank milk.* Producer milk received at two or more plants from one load shall be priced at the point of actual receipt. Receipts at each plant location shall be prorated among the producers making up the load.

In a corollary proposal to reload pricing, the United Dairymen's Association requested a change in the point of pricing and "accountability" for milk of two or more producers which is commingled into one bulk tank load and subsequently split between two or more plants. In such a situation, they recommended that the receipts of such milk at the several plants be prorated among the producers whose milk makes up the load.

The present marketing practice for fixing the responsibility for purchase, and thus the compliance with order requirements for payment and accurate reporting, rests with the operator of the first plant at which milk is received after it leaves the farm.

The marketing conditions discussed earlier in these findings with respect to changing the pricing of milk moving through reload facilities apply equally to the circumstances relating to the splitting of a bulk tank load of commingled producer milk among several handlers. Under the present terms of the order, a handler may "receive" a token portion of a tank load of milk at a District I plant and cause the remaining portion to be backhauled to plants located in the outlying areas where location adjustments are applicable. Since the entire load is considered to have been received at the first plant, the producers of such milk receive the uniform price f.o.b. the central market even though the milk is actually utilized at a plant where location differentials apply. This actually results in the cost of the extra transportation being borne by all producers on the market.

6. *Provision for "other market" milk.* Provisions for defining producers for other markets (not Federal order markets) in order that milk which is surplus to another market's requirements might be disposed of for manufacturing use by handlers regulated under the Puget Sound order without such milk becoming pooled should not be adopted at this time.

Although producer proponents pointed out that a similar provision relating to milk from other Federal order markets is already provided for under the terms of the order, testimony failed to show that a serious problem now exists with respect to milk imports from unregulated markets. The association's proposal was not included in the notice of hearing. If at some future time the situation is shown to contribute to market instability, a hearing may be held giving all interested parties the opportunity to be fully heard.

7. *Miscellaneous and conforming changes.* The adoption of various proposals necessitates, of course, certain changes in the specific provisions involved, as well as conforming changes in several other sections of the order. The establishment of a three-class system of pricing milk has also required numerous changes with respect to references to "Class II milk" throughout the order.

Two dairy farmers testified briefly that in certain milk markets of the U.S. powdered whole milk and nonfat dry milk solids are used in combination with nondairy ingredients in the manufacture of products which are competitive with milk sold for fluid bottling use.

Although their testimony suggested a reclassification of nonfat dry milk solids and powdered whole milk to a higher use classification than is now provided under the Puget Sound order (Class II), the relevancy of such a development elsewhere in the country to the current marketing situation in the Puget Sound market was not established. Full consideration of this matter, therefore, should be deferred until such time that a development of this nature may be shown to affect the orderly marketing of milk in the area.

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

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

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

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

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

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

§ 1125.6 [Amended]

1. In § 1125.6, the last paragraph is revised to read: " 'District 1' shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. 'District 2' shall include Thurston,

Skagit, and Island Counties. 'District 3' shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. 'District 4' shall include San Juan County."

2. Section 1125.7 is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk and milk products. The term "plant" does not include:

(a) "Bulk reload points" which comprise the buildings, premises and facilities, including facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by an appropriate health authority and located on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant.

(b) "Distribution points" which comprise the buildings, premises and storage facilities at which are stored, enroute in the course of disposition, fluid milk products that have been processed and packaged in consumer-type packages at a distributing plant. The following shall apply with respect to the operations of a distribution point:

(1) Operations of such a distribution point located on the premises of a nonpool plant or a supply plant shall not constitute a part of the operations of such plant; and

(2) Fluid milk products moved through a distribution point shall be classified on the basis of disposition from the distributing plant at which processed and packaged, unless the following conditions are met, in which case such products may be classified on the basis of disposition from such distribution point:

(i) Such distribution point is located west of the Cascade Mountain Range;

(ii) Fluid milk products are not received during the month at such distribution point from more than one plant; and

(iii) The handler operating such distributing plant notifies the market administrator of his intent to report regularly on the basis of disposition from such distribution point.

§ 1125.8 [Amended]

3. In the first sentence of § 1125.8(b) (pool plant definition) the parenthetical phrase "(including any reload point constituting a plant)" is revoked.

§ 1125.12 [Amended]

4. In § 1125.12, the word "and" is deleted where it appears at the end of paragraph (b)(2)(ii); at the end of paragraph (c) the period is changed to a semi colon and the word "and" is added; and a new paragraph (d) is added to read as follows:

(d) In the case of any bulk tank load of milk originating at farms and subsequently received in part at two or more plants, the proportion of the load received at each such plant shall be prorated among the individual producers on the basis of their percentage of the total load.

§ 1125.22 [Amended]

5. Section 1125.22 is amended as follows: The parenthetical phrases "(and within Class II, the utilization specified in § 1125.54(c))" and "(and within Class II, to the utilization specified in § 1125.54(c))" where they appear in paragraph (i) are revoked; and paragraph (k) is revised to read as follows:

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1125.51(a) and the Class I butterfat differential pursuant to § 1125.52, both for the current month, and the minimum price for Class II milk pursuant to § 1125.51(b) and Class III milk pursuant to § 1125.51(c) and the Class II and Class III butterfat differentials pursuant to § 1125.52, all for the preceding month; and

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk computed pursuant to § 1125.81(a)(2), and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

6. Section 1125.41 is revised to read as follows:

§ 1125.41 Classes of utilization.

Subject to the conditions set forth in §§ 1125.42, 1125.43 and 1125.44, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of a fluid milk product, subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content;

(ii) Fluid milk products in concentrated form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of; and

(iii) Products classified as Class II pursuant to paragraph (b)(3), and as Class III pursuant to paragraph (c)(3) and (4), of this section are excepted;

(2) Contained in monthly inventory variation of fluid milk products; and

(3) Not specifically accounted for as Class II or Class III utilization.

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

(1) Used to produce ice cream, and ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products sterilized and packaged in hermetically sealed metal or glass containers;

(2) Used to produce condensed milk and skim milk utilized to produce any Class II milk product as specified in this section; and

(3) In fluid milk products disposed of in bulk to a commercial food processing establishment for use in food products which are processed for general distribution to the public for consumption off the premises.

(c) *Class III milk*. Class III milk shall be all skim milk and butterfat:

(1) Used to produce: Evaporated milk, condensed milk and skim milk (other than that specified in paragraph (b)(2) of this section) butter, nonfat dry milk solids, powdered whole milk, casein, and cheese (other than that specified in paragraph (b)(1) of this section), including that contained in residual products resulting from the manufacture of butter and cheese;

(2) Used to produce a product other than a fluid milk product as specified in paragraph (a)(1) of this section or a Class II product;

(3) In fluid milk products disposed of for livestock feed;

(4) In fluid milk products dumped after such prior notice and opportunity for verification as may be required by the market administrator;

(5) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(1) but not to exceed the following amount:

(i) Two percent of receipts in producer milk pursuant to § 1125.12(a)(1) and (2); plus

(ii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants; plus

(iii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) One and one-half percent of fluid milk products disposed of in bulk to other plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent;

(6) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(2); and

(7) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1125.10 (e) or (f) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and individual producer tests are used as the basis of receipt at the plant to which delivered.

§ 1125.42 [Amended]

7. In paragraph (b)(1) of § 1125.42 the reference "§ 1125.41(b)(6)" is changed to "§ 1125.41(c)(5)"; and in paragraph (b)(2) of such section the reference "§ 1125.41(b)(6)(iv) and (v)" is changed to "§ 1125.41(c)(5)(iv) and (b)".

8. In § 1125.43, paragraph (a) is revised to read as follows:

§ 1125.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

* * * * *

9. Section 1125.44 is revised to read as follows:

§ 1125.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c) of this section, as fluid milk products from a pool plant shall be assigned (separately) to each class in the following manner:

(a) To a pool distributing plant: As Class I milk to the extent Class I milk is available at the transferee plant after computations pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b), subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other pool plants at the transferor plant, such excess shall be assigned to the available milk in each class at the transferee plant in series beginning with Class III;

(2) If more than one transferor plant is involved, the available Class I milk shall first be assigned to pool plants located in District 1, and the counties of Pierce and Kitsap, and then in sequence to the plants at which the least location adjustment applies;

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class I milk shall be assigned;

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

(5) If the transferor plant received during the month other source milk to be allocated pursuant to § 1125.46(a)(6) and (7) and the corresponding steps of § 1125.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) To a pool supply plant as Class III milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class III milk shall be limited to the amount thereof remaining in Class III milk in the transferee plant after computations pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class II milk to the extent such utilization is available. Any additional amounts of such skim milk and butterfat shall be assigned to Class I milk and credited to transfers from transferor plants in the sequence at which the least location adjustment applies;

(2) If more than one transferor plant is involved, the available Class III and/or Class II milk shall first be assigned to transferor plants located outside District 1 and Kitsap and Pierce counties, and then in sequence to the plants at which the greatest location adjustment applies;

(3) If Class III and/or Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class III and/or Class II shall be assigned; and

(c) To a nonpool plant:

(1) Except as provided for in subparagraphs (3) and (4) of this paragraph, as Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area.

(2) As Class I milk, if transferred or diverted to a producer-handler as defined in any order (including this part) issued pursuant to the Act, or to the plant of such a producer-handler;

(3) As Class II milk to the extent such utilization is available and then to Class III milk, if transferred or diverted to a nonpool plant from which fluid milk products are not distributed on routes, subject to the following conditions:

(i) The transfer or diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the nonpool plant for purposes of verification;

(ii) If such nonpool plant disposes of fluid milk products to any other nonpool plant distributing fluid milk products on routes, the transfer or diversion shall be classified as Class I milk up to the quantity of such disposition to the second nonpool plant; and

(4) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subdivision (i), (ii), or (iii) of this subparagraph:

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

(ii) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under the order that provides only two classes (including allocation under the conditions set forth in subdivision (iii) of this subparagraph);

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

(iv) 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 subparagraph, classification shall be as Class I, subject to adjustment when such information is available; and

(v) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1125.41.

§ 1125.45 [Amended]

10. In § 1125.45, the reference "§§ 1125.53 and 1125.54" where it appears in the second sentence of paragraph (a), is changed to "§ 1125.53".

§ 1125.46 [Amended]

11. In § 1125.46, the term "Class II" where it appears in two places in paragraph (a)(1), once in (a)(2)(i), twice in (a)(3), once in (a)(5), and in (a)(9) is changed to "Class III".

12. In § 1125.46 the reference "§ 1125.41(b)(6)" as it appears in paragraph (a)(1) is changed to "§ 1125.41(c)(5)"; the text of subparagraph (4) immediately preceding subdivision (i) of such paragraph is changed to read "Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity:"; the phrase "Class II utilization" where it appears in both subdivisions (i) and (iii) of subparagraph (4), is changed to "Class II or Class III utilization"; and the text of subdivision (i) of subparagraph (7) is changed to read "In series beginning with Class III the

pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and".

13. Section 1125.51 is revised to read as follows:

§ 1125.51 Class prices.

Subject to the provisions of §§ 1125.52 and 1125.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65, and plus 20 cents through April 1968.

(b) *Class II milk.* The price for Class II milk shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, 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.

14. Section 1125.52 is revised to read as follows:

§ 1125.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk computed pursuant to § 1125.46, differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1125.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed as follows, rounded to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125; and

(b) *Class II milk and Class III milk.* Multiply the Chicago butter price for the current month by 0.120.

§ 1125.54 [Revoked]

15. Section 1125.54 is revoked, and § 1125.53 is revised to read as follows:

§ 1125.53 Location adjustments on Class I and Class II milk.

The price of Class I and Class II milk at each plant shall be, regardless of the point of disposition within or outside the marketing area, that computed pursuant to § 1125.51 less a location adjustment for such plant shown in the table below:

Plant location	Adjustment (cents/cwt)	
	Class I	Class II
District 1 or Kitsap or Pierce Counties	0	0
District 2 or Mason County	15	7.5
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County	20	10.0
District 4 and other locations outside the marketing area	40	20.0

§ 1125.67 [Amended]

16. In § 1125.67, the term "Class II milk" where it appears in subparagraph (1)(i) of paragraph (a) is changed to "Class II or Class III milk"; the term "Class II price" where it appears in paragraph (b)(4) is changed to "Class III price".

§ 1125.70 [Amended]

17. In § 1125.70, the reference "§§ 1125.52, 1125.53 and 1125.54" where it appears in paragraph (a) is changed to "§§ 1125.52 and 1125.53" and the words "Class II price" where they appear in paragraph (d) are changed to "Class III price".

§ 1125.72 [Amended]

18. In § 1125.72(a)(2), the words "Class II price" are changed to read "Class III price".

§ 1125.80 [Amended]

19. In § 1125.80, the reference "§§ 1125.53 and 1125.54" where it appears in paragraph (c) is changed to "§ 1125.53".

20. Section 1125.81 is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), the following adjustments for location are applicable:

(1) Deduction may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 1125.53; and

(2) There shall be added to the uniform price for excess milk received from producers at the respective plant locations the lesser of the applicable rates shown in subdivision (i) or (ii) of this subparagraph:

(i) Plant location:

	Rate (cents/cwt.)
District 1 or Kitsap or Pierce Counties	25
District 2 or Mason County	10
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County	5
District 4 and other locations outside the marketing area	0

(ii) The rates per hundredweight determined by multiplying the adjustments shown in subdivision (i) of this subparagraph by a percentage computed as set forth below and rounded to the nearest full cent: Determine the amount that the value of producer milk allocated to Class II pursuant to § 1125.46 at the Class II price adjusted for location of the respective pool plants exceeds the value of producer milk so allocated to Class II at the Class III price. The resulting amount is divided by the value of excess location adjustments at the applicable rates set forth in subdivision (i) of this subparagraph and rounded to the second decimal place.

(b) In making payments to a cooperative association pursuant to § 1125.80(d) deductions may be made at the rates specified in § 1125.53 for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 for Class I milk applicable at the location of the nonpool plant from which the milk was received.

§ 1125.82 [Amended]

21. In § 1125.82 the words "and Class III" are added immediately following the words "Class II".

§ 1125.84 [Amended]

22. In § 1125.84, the words "Class II price" where they appear in paragraph (a)(3) are changed to "Class III price".

Signed at Washington, D.C., on August 7, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9373; Filed, Aug. 9, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 7791; Notice 67-36]

PRIVATE PILOT SOLO CROSS-COUNTRY EXPERIENCE

Requirements for Applicants on Isolated Islands

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to expand the scope of § 61.85(b) to cover all applicants for private pilot certificates who are located on isolated islands and can only complete the cross-country requirements of § 61.85(a)(3) by making long overwater flights.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW.,

Washington, D.C. 20590. All communications received on or before October 9, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 61.85(b) was originally promulgated as SR-434 on July 9, 1959, in response to the petition of Naha Flying Club located on the island of Okinawa. Student pilots on that island could not comply with the requirement of a 100-mile solo cross-country flight and landing without conducting an extended overwater operation in a single-engine airplane. The purpose of this flight, i.e., development of navigational skills, seemed to be served just as well by a flight over the island itself. Therefore, SR-434 was promulgated to allow the issuance of private pilot certificates to applicants located on Okinawa who had not made the 100-mile flight, with a limitation on passenger carrying privileges to flights over that island.

Recently, the FAA received similar petitions for exemption from flying clubs on the islands of Kwajalein and Guam. The Kwajalein group has only one other airport available that is 50 miles away at the other end of the Kwajalein Atoll. The pilots on Guam meet the cross-country requirements by flying to Saipan, a 130-mile overwater flight. In addition, there may be other islands where pilots face difficulties in making cross-country flights. Therefore, it appears that the exception to the cross-country flight requirements in § 61.85 should be broadened to encompass any student pilot located on an island from which those flights cannot be accomplished without making long overwater flights. Since the FAA feels that a student pilot should not have to fly overwater more than 10 miles from the nearest shoreline, this proposal would use that distance to determine an applicant's eligibility under § 61.85(b).

This proposal differs from the present provisions of § 61.85(b) in two major respects. First, under the proposed rule the certificates of those pilots who do not meet the solo cross-country flight requirements of § 61.85(a) will contain a limitation prohibiting them from carrying passengers on flights that proceed more than 10 miles away from the shoreline. Second, under the proposed rule it would not be necessary to make the 100-mile solo flight, or log 10 hours of solo cross-country flights with landings at a place more than 25 miles from the point of departure, if such flights require overwater flights more than 10 miles from the nearest shoreline. The proposal would not require any of the private pilot cross-country experience requirements for student pilots in these situations. In lieu of the cross-country flight time, if other airports that permit civil operations are available, the applicant would be required to make two round trip solo flights between the two airports that are farthest apart.

In consideration of the foregoing, it is proposed to amend § 61.85 of the Federal Aviation Regulations by amending subparagraph (a)(3) and paragraphs (b) and (c), and by adding new paragraphs (d) and (e), to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) * * *

(3) Except as provided in paragraph (b) of this section, at least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure; and during which at least one flight included a landing at a place more than 100 miles from the place of departure; and

* * * * *

(b) Paragraph (a)(3) of this section does not apply to an applicant who shows that he is located on an island from which the required flights cannot be accomplished without flying over water more than 10 miles from the nearest shoreline. However, if other airports that permit civil operations are available to which a flight may be made without flying over water more than 10 miles from the nearest shoreline, he must show that he has completed two round trip solo flights between those two airports that are farthest apart, including a landing at each airport on both flights.

(c) The pilot certificate issued to a person under paragraph (b) of this section must contain the following limitation:

The holder may not pilot any aircraft carrying passengers on flights more than 10 miles from the nearest shoreline of [appropriate island].

The above limitation may be amended to include another island if the applicant complies with paragraph (b) of this section with respect to that island.

(d) If an applicant for a private pilot certificate under paragraph (b) of this section does not have at least 3 hours of solo cross-country flight time including a round trip flight to an airport at least 50 nautical miles from the place of departure with at least two full stop landings at different points along the route, his pilot certificate is endorsed as follows:

The holder does not meet the cross-country flight requirements of ICAO.

(e) The holder of a private pilot certificate with the limitation or endorsement prescribed in paragraph (c) or (d) of this section, is entitled to have that limitation or endorsement removed if he passes the test prescribed by § 61.87(b)(3) and presents satisfactory evidence to an FAA inspector that he has complied with the requirements of paragraph (a)(3) of this section.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on August 4, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9363; Filed, Aug. 9, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-92]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Kansas City, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As a result of the development of VOR and VOR/DME public instrument approach procedures to serve the new east/west runway at Kansas City, Mo., Mid-Continent International Airport, utilizing the Kansas City VORTAC as a navigational aid, it is necessary to alter the control zone at this airport in order to protect aircraft that will be executing these approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

KANSAS CITY, MO.

That airspace within a 5-mile radius of Mid-Continent International Airport (latitude 39°18'05" N., longitude 94°43'35" W.), and within 2 miles each side of the Kansas City VORTAC 276° radial extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zones.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9364; Filed, Aug. 9, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-93]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Springfield, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Turbojet and turboprop aircraft operations are on the increase in the Springfield, Mo., terminal area. In order to improve air traffic service in this terminal area, it is necessary to establish additional holding patterns for these aircraft and to alter the 1,200-foot floor transition area at Springfield, Mo., to encompass these holding patterns. The present 700-foot floor transition area at Springfield will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

SPRINGFIELD, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 26-mile radius area of the Springfield VORTAC, within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 337° radial, extending from the 26-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 26-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 26-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9366; Filed, Aug. 9, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-53]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Cedar Rapids, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Due to a one-degree change in the radial for the VOR Runway 8 approach procedure to Cedar Rapids Municipal Airport and the modification of the NDB (ADF), ILS and VOR approach procedures to this airport by placing the procedure turns on the south side of the approach courses, it is necessary to alter the Cedar Rapids control zone and 700-foot floor transition area to protect aircraft executing these approach procedures. It is also proposed to alter the Cedar Rapids 1,200-foot floor transition area and add a 3,500-foot MSL floor transition area in order to permit the Chicago Air Route Traffic Control Center to provide more efficient air traffic radar vectoring services to aircraft operating in the Cedar Rapids and Iowa City, Iowa, terminal areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

CEDAR RAPIDS, IOWA

That airspace within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), within 2 miles each side of the Cedar Rapids ILS localizer west course extending from the 5-mile radius zone to 8 miles west of the OM, within 2 miles each side of the Cedar Rapids, Iowa, VORTAC 264° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC, and within 2 miles each side of the Cedar Rapids VORTAC 092° radial extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

CEDAR RAPIDS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), and within 5 miles north and 10 miles south of the Cedar Rapids, Iowa, VORTAC 090° and 270° radials extending from 3 miles east to 13 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence south along longitude 91°00'00" W., to and west along the north edge of V-434, to and north along longitude 92°00'00" W., to latitude 41°21'00" N., thence northwest along a line extending from latitude 41°21'00" N., longitude 92°00'00" W., to latitude 41°30'00" N., longitude 92°15'00" W., thence north along longitude 92°15'00" W., to and west along the north edge of V-6, to and northeast along the

southeast edge of V-294, to and north along longitude 92°15'00" W., to and east along latitude 42°05'00" N., to the point of beginning; and that airspace extending upward from 3,500 feet MSL within an area bounded on the north by the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, on the east by longitude 92°15'00" W., on the south by the north edge of V-172, on the west by longitude 92°53'00" W., and on the northwest by the southeast edge of V-161, and within an area bounded on the north by the south edge of V-172, on the east by longitude 92°15'00" W., on the southeast and south by the northwest and north edge of V-294, and on the west by longitude 92°53'00" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-9367; Filed, Aug. 9, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-89]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Mitchell, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. 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. 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 proposals 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since qualified personnel of North Central Airlines have agreed to provide weather reporting services at the Mitchell, S. Dak., Municipal Airport on a daily part-time basis, a part-time control zone can be designated at this location. The weather reporting services will be provided during the hours that the control zone is effective, initially from 0600 to 2100 hours local time daily. The proposed control zone, during the times it is in effect, will provide controlled airspace protection for departing aircraft in their climb to 700 feet above the surface and for aircraft executing the prescribed instrument approach procedures during descent below 1,000 feet above the surface. In addition, the VOR special instrument approach procedures for Runways 12/30 and the VOR public instrument approach procedure for Runway 12 for the Mitchell, S. Dak., Municipal Airport have been modified. Therefore, it is necessary to alter the Mitchell transition area to protect aircraft executing these revised approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is added:

MITCHELL, S. DAK.

Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'25" W.); within 2 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 2 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR. This control zone is effective during the specific times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

MITCHELL, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'25" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 10 miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 19 miles northwest of the VOR; within 5 miles southwest and 8 miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 12 miles southeast of the VOR; and within 5 miles each side of the Mitchell VOR 120° radial extending from the VOR to 12 miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9368; Filed, Aug. 9, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS

Bread; Withdrawal of Petition and Termination of Proposed Rulemaking

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit the use of tallowyl-β-lactic acid as an optional ingredient:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 21, 1966 (31 F.R. 7412), based on a petition filed by Swift & Co., Packers and Exchange Avenues, Chicago, Ill. 60609. Notice is given that the petitioner has withdrawn its petition and the rulemaking proceeding in this matter is terminated. The withdrawal of this petition is without prejudice to a future filing.

This action is taken 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 under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9385; Filed, Aug. 9, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 079389]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 28, 1967.

Notice of a Bureau of Land Management, U.S. Department of the Interior, application, Sacramento 079389 for withdrawal and reservation of lands for recreation purposes, was published as F.R. Doc. No. 65-3338 on page 4261 of the issue for April 1, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 11 W.,
Sec. 17, lot 7.

The area described contains 40 acres in Mendocino County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m., on August 30, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9344; Filed, Aug. 9, 1967; 8:46 a.m.]

[Montana 1626]

MONTANA

Notice of Classification of Public Lands for Multiple Use Management

AUGUST 4, 1967.

1. Pursuant to the Act of September 19, 1964 (43 CFR 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (31 F.R. 131), or at the public hearing at Ridgway, Mont., held on May 31, 1967. The record showing the comments received and other information is on file and can be examined in the Miles City District Office, Miles City, Mont. The public lands affected by this classification are located within the following described areas and are shown on maps on file in the Miles City District Office and at the Land Office of the Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA,

CARTER COUNTY

T. 1 S., R. 55 E.
T. 2 S., R. 55 E.
T. 3 S., R. 55 E.
T. 4 S., R. 55 E.,
Secs. 1 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 5 S., R. 55 E.
T. 8 S., R. 55 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 9 S., R. 55 E.
T. 1 S., R. 56 E.
T. 2 S., R. 56 E.
T. 3 S., R. 56 E.
T. 4 S., R. 56 E.
T. 5 S., R. 56 E.
T. 6 S., R. 56 E.,
Secs. 1 to 33, inclusive;
Secs. 35 and 36.
T. 7 S., R. 56 E.
T. 8 S., R. 56 E.
T. 9 S., R. 56 E.
T. 1 S., R. 57 E.
T. 2 S., R. 57 E.
T. 3 S., R. 57 E.
T. 4 S., R. 57 E.
T. 5 S., R. 57 E.
T. 6 S., R. 57 E.
T. 7 S., R. 57 E.
T. 8 S., R. 57 E.
T. 9 S., R. 57 E.
T. 1 S., R. 58 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 30 to 33, inclusive.
T. 2 S., R. 58 E.
T. 3 S., R. 58 E.
T. 4 S., R. 58 E.
T. 5 S., R. 58 E.
T. 5½ S., R. 58 E.
T. 6 S., R. 58 E.
T. 7 S., R. 58 E.
T. 8 S., R. 58 E.
T. 9 S., R. 58 E.
T. 2 S., R. 59 E.
T. 3 S., R. 59 E.
T. 4 S., R. 59 E.
T. 5 S., R. 59 E.
T. 6 S., R. 59 E.
T. 7 S., R. 59 E.
T. 8 S., R. 59 E.
T. 9 S., R. 59 E.
T. 3 S., R. 60 E.,
Sec. 7;
Secs. 18 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 4 S., R. 60 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 25;
Secs. 27 to 34, inclusive;
Sec. 36.
T. 5 S., R. 60 E.,
Secs. 3 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 6 S., R. 60 E.
T. 7 S., R. 60 E.
T. 8 S., R. 60 E.
T. 9 S., R. 60 E.
T. 4 S., R. 61 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 5 S., R. 61 E.,
Secs. 2, 10, and 11;
Secs. 14 and 15;
Secs. 19 to 36, inclusive.
T. 6 S., R. 61 E.
T. 7 S., R. 61 E.
T. 8 S., R. 61 E.
T. 9 S., R. 61 E.
T. 5 S., R. 62 E.,
Secs. 30 to 32, inclusive.
T. 6 S., R. 62 E.
T. 7 S., R. 62 E.
T. 8 S., R. 62 E.
T. 9 S., R. 62 E.
T. 6 S., R. 63 E.
T. 7 S., R. 63 E.
T. 8 S., R. 63 E.
T. 9 S., R. 63 E.
T. 1 N., R. 55 E.
T. 2 N., R. 55 E.
T. 3 N., R. 55 E.
T. 4 N., R. 55 E.
T. 1 N., R. 56 E.
T. 2 N., R. 56 E.,
Sec. 31.
T. 3 N., R. 56 E.,
Secs. 6, 7, 18, 19, 29, and 30.

The areas described above aggregate approximately 490,588 acres.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

HAROLD TYSK,
State Director.

[F.R. Doc. 67-9341; Filed, Aug. 9, 1967; 8:46 a.m.]

[Utah 3242]

UTAH

Order Opening Lands to Entry and Patenting

AUGUST 4, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 18 S., R. 14 E.,
Sec. 8, SE¼NE¼, less right-of-way for Denver & Rio Grande Western Railroad Co.

The area described aggregated 39.4 acres.

2. The lands are located in Emery County near Woodside, Utah. Topography is rolling Mancos shale hills with shallow, poorly developed soils. The lands have values for watershed, grazing, wild life, and recreation which can best be managed under principles of multiple use.

3. Subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on September 10, 1967, be opened to application, petition, location and selection. All valid applications received at or prior to 10 a.m. on September 10, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9342; Filed, Aug. 9, 1967; 8:46 a.m.]

[Utah 3637]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 4, 1967.

The U.S. Forest Service, Department of Agriculture, has filed an application for the withdrawal of the lands described below, from all forms of appropriation except the general mining and mineral leasing laws.

The applicant desires the land for extending the boundaries of the Wasatch National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 1 N., R. 8 E.,

Public Lands

Sec. 28, S½NW¼NW¼, S½NW¼;
Sec. 29, E½SW¼NE¼NE¼, SE¼NE¼NE¼, S½NE¼, NE¼SE¼NW¼, S½SE¼NW¼;
Sec. 30, Lot 4, SE¼SW¼, SW¼SE¼.

Nonpublic Lands

Sec. 30, SE¼SE¼.

The areas described including both public and non-public lands aggregate 384.66 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9343; Filed, Aug. 9, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 14]

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JAN. 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through August 3, 1967. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY / NAME OF SHIP	Gross tonnage
Total, all flags (45 ships)	313,467
British: (13 ships)	70,042
Ardgroom	7,051
Ardrossmore	5,820
Ardrowan	7,300
**Ardtara (now Rosetta Maud—British)	5,795
Dartford	2,739
Greenford	2,964
Isabel Erica	7,105
*Kingford	2,911
**Milford (now Salamanca—Panamanian)	1,889
**Rosetta Maud (trip to North Vietnam under ex-name, Ardtara—British).	
Santa Granda	7,229
Shienfoon	7,127
Shirley Christine	6,724
Yungfutary	5,388
Cypriot (5 ships)	35,962
Acme	7,173
**Agenor (trips to North Vietnam—Greek).	
**Alkon (trips to North Vietnam—Greek—broken up).	
*Amfiali	7,110
Amfitriti	7,147
Amon	7,229
Antonia II	7,303
Greek (2 ships)	14,289
**Agenor (now Cypriot)	7,139
**Alkon (now Cypriot—broken up)	7,150
Italian (1 ship)	8,380
*Agostino Bertani	8,380
Maltese (1 ship)	7,304
Amalia	7,304
Panamanian: **Salmanca (trips to North Vietnam under ex-name, Milford—British).	
Polish (23 ships)	177,490
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
*Energetyk	10,876
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
*Kraszewski	10,363
Lelewel	7,817
Marceli Nowotko	6,660
Marian Buczek	7,053
Norwid	5,512
Phenian	6,923
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919

*Added to Report No. 13 appearing in the FEDERAL REGISTER issue of June 20, 1967.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) that such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) that no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) that vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY

	Number of ships
a. Since last report: None.	
b. Previous reports:	
British	1

Dated: August 4, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9379; Filed, Aug. 9, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region III, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.
4. Assistant Regional Administrator for Program Coordination and Services.

This designation supersedes the designation effective June 13, 1962 (27 F.R. 8331, Aug. 21, 1962).

(Delegation May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of August 10, 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67-9375; Filed, Aug. 9, 1967; 8:48 a.m.]

DEPUTY ASSISTANT SECRETARY FOR RENEWAL ASSISTANCE AND GENERAL DEPUTY, RENEWAL ASSISTANCE

Redelegations of Authority

Correction

In F.R. Doc. 67-9203, appearing at page 11390 of the issue for Saturday, Aug. 5, 1967, item (2) should read as follows:

(2) Subparagraph 1f of section A is revised to read:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Sulfamerazine

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 has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the issuance of a food additive regulation to provide for the safe use of sulfamerazine for the control of furunculosis in rainbow trout, brook trout, and brown trout.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9386; Filed, Aug. 9, 1967; 8:49 a.m.]

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives Oleandomycin and Diethylstilbestrol

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 has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the issuance of a food additive regulation to provide for the safe use in cattle feed of oleandomycin for growth promotion and feed efficiency, alone or in combination with diethylstilbestrol added for fattening beef cattle.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9387; Filed, Aug. 9, 1967; 8:49 a.m.]

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0618) has been filed by CIBA Agrochemical Co., A division of CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide 3-(p-(p-chlorophenoxy)phenyl)-1,1-dimethylurea in or on the raw agricultural commodities soybeans and soybean hay.

The analytical method proposed for determining residues of the herbicide involves hydrolysis to p-chlorophenoxyaniline, diazotization, and coupling with N-1-naphthylethylenediamine to form a colored compound which is determined spectrophotometrically at 578 millimicrons.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9388; Filed, Aug. 9, 1967; 8:49 a.m.]

FISTERE AND HABBERTON

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 (FAP 4B1483) has been filed by Fistere and Habberton, 1012 14th Street NW., Washington, D.C. 20005, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of a modified polyamide-epichlorohydrin resin as a retention aid and flocculant in the manufacture of paper and paperboard intended for food-contact use.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9389; Filed, Aug. 9, 1967; 8:50 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Correction

In F.R. Doc. 67-8840, appearing at page 11091 of the issue for Saturday, July 29, 1967, the section number reading "§ 221.2553" should read "§ 121.2553".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

REGROOVED TIRES

Sale or Delivery for Introduction in Interstate Commerce

On September 9, 1966, the National Traffic and Motor Vehicle Safety Act of 1966 (the Act) was enacted. Section 204 (a) of the Act prohibits any person from selling, offering for sale, or introducing for sale or delivering for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has

been regrooved. Subsection (b) of section 204 makes violators of the section subject to civil penalties and injunction. Section 204(a) allows the Secretary to permit the sale of regrooved tires if they are designed and constructed in a manner consistent with the purposes of the Act. One request for permission to sell regrooved tires was received July 13, 1967.

Preliminary investigation indicates that regrooved tires are still being used, particularly on commercial vehicles.

Section 110 of the Act provides that "whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, * * *".

Pursuant to the provisions of sections 204(a), 204(b), and 110(a) of the National Traffic and Motor Vehicle Safety Act of 1966, anyone who sells, offers for sale, or introduces for sale or delivery for introduction into interstate commerce any tire or motor vehicle equipped with any tire that has been regrooved is hereby given opportunity to present views, information and data as to why the Secretary should not seek an injunction in a U.S. district court to restrain such action. Persons subject to this notice are further offered the opportunity to supply information and data which, to their best knowledge and belief, would form the basis for a request to the Secretary to permit the sale of regrooved tires pursuant to section 204(a) of the Act. Such information and data should include but not be limited to the safety of such tires under the following conditions or combinations of conditions, for the full range of highway operating speeds:

Wet, dry or icy surfaces;

Rigid or flexible pavements; and

Various vertical and horizontal highway alignments.

An original and 15 copies of statements in response to this notice shall be filed no later than the close of business August 31, 1967, with the National Highway Safety Bureau, Washington, D.C. 20591.

Any other person may also submit written statements in response to this notice.

Issued in Washington, D.C., on August 2, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-9369; Filed, Aug. 9, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18720; Order No. E-25488]

AIR CARRIER DISCUSSIONS

Order Concerning Air Freight Credit, Billing and Collection Practices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1967.

By petition filed July 5, 1967, the Air Freight Forwarders Association (AFFA) on behalf of its 29 members [1] requests approval for joint meetings between the forwarders and the direct air carriers to discuss air freight credit, billing and collection practices, and for meetings among the air freight forwarders themselves involving the same matters. AFFA cites the recent order [2] of the Board authorizing discussions among the direct air carriers on the same subject and states that the matters to be discussed are of concern to the forwarders in their role as customers of the airlines. In addition, AFFA states its belief that the forwarders should sit jointly with the direct air carriers to consider expansion of the airlines' interline settlement plan (clearing house) to include forwarders, as well as the prospect of the total air freight industry reaching a common agreement on some or all of the practices applicable to the customers of the whole industry, such as uniform credit and billing arrangements, and customer credit criteria. AFFA states that is would undertake to notify all Board-authorized AFFA-nonmember forwarders of all meetings, invite them to attend and participate fully in the discussions, and to become signatories to any agreements reached.

No objection to the AFFA petition has been received.[3]

Upon consideration of the request, the Board will authorize the domestic air freight forwarders to discuss and agree on their credit practices and rules. It is reasonable and desirable that the forwarders, as an industry, strive for uniform rules and practices,[4] with respect to themselves and their customers, and it is evident that any revision of direct air carrier rules and practices might necessitate a revision by the forwarders. The Board does not agree, however, that forwarders and airlines must jointly establish uniform credit and billing rules and practices with respect to their mutual customers.[5] We would note in this regard that the direct carriers have not expressed an interest in attempting to develop a joint direct-indirect air carrier agreement. It is appropriate, however, for the forwarders to appear at the meetings of the direct air carriers, and, since the Board's prior order (E-25340, supra), provides for shipper and indirect air carrier comments and appearances, no revision of the terms of the Board's prior order is necessary or warranted in this respect.

It is not the intent of the Board, however, to preclude joint exploration of a form of interline settlement between forwarders and airlines.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. All air freight forwarders engaged in interstate or overseas air transportation are authorized for a period of 120 days from the date of this order to engage in discussions with respect to air freight credit, billing, and collection practices in interstate or overseas air transportation;

2. A notice of any meeting called pursuant to this order to be attended by air freight forwarders only, and an agenda of matters to be discussed, shall be filed with the Board in this docket at least 5 calendar days in advance;

3. A notice of any meeting called pursuant to this order to be attended by both air freight forwarders and shippers, and an agenda of matters to be discussed, shall be filed with the Board in this docket at least 15 calendar days in advance;

4. All meeting notices and agendas shall also be mailed to shippers and all air freight forwarders with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearances at the carriers' meetings;

5. The Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

6. Complete and accurate minutes shall be kept of all meetings and a true copy thereof filed with the Board not later than 15 days (excluding Saturdays and Sundays) after the conclusion of each meeting;

7. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being placed into effect; and

[1] Acme Air Cargo, Inc., ADD Airfreight Corp., Aero Special Air Freight, Airborne Freight Corp., Air-Cargo Specialists, Inc., Air-Land Freight Consolidators, Inc., Air-Sea Forwarders, Inc., Airways Air Freight, Amerford International Corp., American Express Co., Barnett Air Cargo, Inc., Berklay Air Services Corp., Peter A. Bernacki, Inc., Cal-Air Forwarders, Inc., Circle Air Freight, Direct Air Freight Corp., Domestic Air Express, Emery Air Freight Corp., Globe Shipping Co., Inc., Hensel, Bruckmann & Lorbacher, Inc., International Customs Service, Inc., Karr, Ellis & Co. Inc., H. G. Ollendorff, Inc., Pacific Air Freight, Inc., Panalpina Air Freight, Inc., Penson Forwarding Corp., Routed Thru-Pac, Inc., Traffic Dynamics, Inc., WTC Air Freight.

[2] Order E-25340 dated June 23, 1967, Docket 18720.

[3] Several shippers have advised the Board that they would like to be notified of the carrier meetings in order to attend and present their views.

[4] An agreement on uniform credit, billing, and collection practices is currently in effect among 18 forwarders (Agreement CAB 16648, approved by the Board on Oct. 10, 1962, Order E-18896).

[5] As to credit, billing, and collection periods, the current forwarder agreement cited in [4] above is unlike the existing direct air carrier agreement referred to in Order E-25340, supra (Agreement CAB 6150-A32, approved by the Board on September 4, 1962, Order E-18769). The airline agreement was filed with the Board on Aug. 13, 1962, followed by the forwarder agreement 18 days later (Aug. 31, 1962), and in most respects, the forwarder agreement is more liberal than the airline agreement.

8. The petition of Air Freight Forwarders Association in Docket 18720 is denied in all other respects.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9380; Filed, Aug. 9, 1967; 8:49 a.m.]

[Docket No. 18753; Order No. E-25492]

FLORIDA AIR TAXI, INC.

Order To Show Cause; Establishment of Final Service Rate for Transportation of Mail

Issued under delegated authority August 4, 1967.

Florida Air Taxi, Inc. (Florida), an air taxi operator providing air transportation under the provisions of Part 298 of the Board's Economic Regulations, by petition filed June 30, 1967, has requested the Board to establish a final service mail rate of 6 cents per pound for the transportation of mail by aircraft between Gainesville and Fort Myers on the one hand, and Tampa, Fla., on the other.

In its petition requesting establishment of this final service mail rate, Florida states it considers its proposed rate to be fair and reasonable for the services performed. In its answer, the Post Office Department supports the proposed rate, and states that the proposed service will provide substantially better mail service than can be obtained under the existing transportation arrangements. No objection has been filed to the level of the proposed rate.

By Order E-25491, August 4, 1967, in this docket, the Board determined to permit Florida to provide the proposed air transportation of mail for the period terminating December 31, 1968. Since no mail rate is presently in effect for this carrier, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid Florida by the Postmaster General for the air transportation of mail.

The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Florida by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the Postmaster General's answer thereto, and matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Florida Air Taxi, Inc., pursuant to Section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, as authorized by Order E-25491, August 4, 1967, the facilities used and useful therefor, and the services connected therewith shall be six cents per pound for all mail transported.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the regulations promulgated in 14 CFR 302, and the authority delegated by the Board in 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Florida Air Taxi, Inc., the Postmaster General, National Airlines, Inc., and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Florida Air Taxi, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Florida Air Taxi, Inc., the Postmaster General, National Airlines, Inc., and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9381; Filed, Aug. 9, 1967; 8:49 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that Part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

ATOMIC ENERGY COMMISSION

[Docket No. PRM-40-11]

FENWAL, INC.

Notice of Filing of Petition for Rule Making

Notice is hereby given that Fenwal Incorporated, Ashland, Mass., by letter dated May 19, 1967, supplemented by letters dated June 7, 1967, and July 20, 1967, has filed with the Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of source material.

The petitioner requests that the Commission amend its regulation "Licensing of Source Material," 10 CFR Part 40 so as to increase the quantity of uranium which is exempt from licensing requirements pursuant to § 40.13(d) of 10 CFR Part 40. The petitioner requests that the quantity of uranium specified in § 40.13(d) for use in fire detection units be increased from 0.005 microcurie to one microcurie of uranium.

The petitioner states that "the basis for the request is that with the increased quantity, the cost and reliability of the detector could be appreciably improved and, with the proposed method of bonding the uranium to the substrate as described in the petition, there will be no safety hazard."

The petitioner states that it has considered several types of alpha sources and has selected U^{235} as giving a "sufficient amount of ionization current per given area along with a reasonable half life."

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this fourth day of August 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-9331; Filed, Aug. 9, 1967; 8:45 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

[APTA No. 6-001]

CERTAIN WORKERS OF FORD MOTOR CO., PENNSAUKEN, N.J.

Notice of Investigation Regarding Possible Termination of Certification

On April 14, 1966, the Automotive Agreement Adjustment Assistance Board certified a group of workers of the Ford Motor Co., Delaware Valley Parts Depot, Pennsauken, N.J., as eligible to apply for adjustment assistance (31 F.R. 5982). The Board has reason to believe that the operation of the United States-Canadian Automotive Products Agreement is no longer the primary factor in causing separations of workers from this subdivision of the firm. Therefore, in accordance

with the Board regulations (48 CFR 501.15), the Board is initiating an investigation to determine whether the certification should be terminated. If the investigation should result in a termination, it will not affect any workers who have already been certified.

Interested persons may make written submission of their views within 10 days of the publication of this notice in the FEDERAL REGISTER. The Board may also provide an opportunity to present views orally if anyone so requests within the 10-day period.

Written submission or requests to present views orally should be addressed to Edgar I. Eaton, Executive Secretary, Automotive Agreement Adjustment Assistance Board, c/o U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018; Executive Order 11254, 30 F.R. 13569; Automotive Agreement Adjustment Assistance Board regs., 48 CFR Part 501, 31 F.R. 827; Board Order No. 1, 31 F.R. 858)

Dated: August 2, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-9347; Filed, Aug. 9, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order After Statutory Hearing

JULY 31, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, canceling rate schedule, redesignating proceeding, 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 propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are 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 Texas are authorized to be made below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

By order issued June 21, 1966, in Docket Nos. G-6832 et al., a certificate of public convenience and necessity was issued in Docket No. CI66-1054 to H. B. Lively authorizing the continuation in part of the sale of natural gas theretofore authorized in Docket No. CI61-353 to be made pursuant to Harold R. Billingsley, trustee, et al., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule was also accepted for filing as H. B. Lively FPC Gas Rate Schedule No. 4. Billingsley has advised the Commission that Lively has succeeded to the entire interests covered by Billingsley's certificate and rate schedule. Therefore, the certificate issued in Docket No. CI61-535 will be terminated, the related rate schedule will be canceled, and the certificate in Docket No. CI66-1054 will be amended to denote a complete succession in interest.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, a petition to intervene by Long Island Lighting Co. and a notice of intervention by the Public Service Commission of the State of New York were filed in Docket No. CI67-46, in the matter of the application filed on July 14, 1966, in said docket. The petition to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 20, 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 hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The 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 Nos. CI67-1525, CI67-1574, and CI67-1656 should be canceled and that the applications filed herein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. CI64-1349, G-10158, and CI65-925, respectively.

(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-3894, G-7223, G-7648, G-9935, G-10158, G-11917, G-12960, G-13885, G-14925, G-18112, G-18371, CI60-216, CI61-991, CI61-1773, CI63-1139, CI64-898, CI64-946, CI64-1211, CI64-1349, CI65-925, CI66-66, CI66-856, and CI67-285 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 certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
CI61-348	CI67-46
CI61-1658	CI67-1552
CI61-1658	CI67-1556
CI64-13	CI67-1552
CI64-13	CI67-1555
CI64-1143	CI67-1557

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. CI61-535 should be terminated, that Harold R. Billingsley, trustee, et al., FPC Gas Rate Schedule No. 2 should be canceled, and that the certificate in Docket No. CI66-1054 should be amended as hereinafter ordered.

(9) The sales of natural gas proposed to be abandoned by the respective Appli-

cants, 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.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued to Shell Oil Co. in Docket No. CI62-58 should be amended by deleting therefrom authorization to sell natural gas from the acreage assigned to R. R. Kennedy et al.; and that permission and approval should be granted to R. R. Kennedy et al., in Docket No. CI67-1586 to abandon the sale of gas from the acreage acquired from Shell Oil Co.

(11) 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.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI64-478 should be redesignated from Val R. Reese & Associates, Inc., to Petroleum Consultants, Inc., to reflect the change in corporate name.

(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 further 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 date, as indicated by footnote 27 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. G-3894 and G-7223 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. G-3894 and G-7223 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.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. G-3894 and G-7223 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(H) The initial rate for sales authorized in Docket Nos. CI67-495, CI67-993, and CI67-1500 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicants thereupon may substitute the new rates reflecting the amount of such increases, and thereafter collect such new rates prospectively in lieu of the initial rate herein required.

(I) The certificates issued herein in Docket Nos. CI67-1587 and CI67-1617 are subject to the following conditions:

(1) It is the express understanding of all parties involved in the subject sale that the pricing provisions of the contract covering said sale are intended to be consistent, and not in conflict, with the provisions of section 154.93 of the regulations under the Natural Gas Act, and in particular with paragraph (b-1) of said section, which paragraph was added by the Commission's Order No. 329, issued December 1, 1966, in Docket No. R-298, and reads as follows:

> Section 154.93 rate schedule defined. * * * the permissible provisions for a change in rate are: * * * (b-1) Provisions that permit a change in price to the applicable just and reasonable area ceiling rate which has been, or which may be, prescribed by the Commission for the quality of the gas involved; and

(2) The initial rate shall not exceed 15 cents per Mcf at 14.65 p.s.i.a. adjusted for B.t.u. content of the gas as provided for in the contracts.

(3) In the event the Commission, by amendment of its policy statement No. 61-1, adjusts the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sales involved herein, Applicants may thereupon substitute the new rates reflecting the amount of such increases, and thereafter collect the new rates prospectively in lieu of the initial rate herein required.

(J) A certificate is issued herein in Docket No. CI67-1462 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization by the predecessor.

(K) A certificate is issued herein in Docket No. CI67-1694 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization.

(L) Applicant in Docket No. CI67-1555 shall file three copies of a revised billing statement reflecting a rate of 15 cents per Mcf at 14.65 p.s.i.a.

(M) Docket Nos. CI67-1525, CI67-1574, and CI67-1656 are canceled.

(N) The certificates heretofore issued in Docket Nos. G-3894, G-7223, G-11917, G-12960, G-14925, G-18371, CI63-1139, CI64-946, CI64-1349, CI66-856, and CI-67-285 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.

(O) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
CI61-348	CI67-46
CI61-1658	CI67-1552
CI61-1658	CI67-1556
CI64-13	CI67-1552
CI64-13	CI67-1555
CI64-1143	CI67-1557

(P) The certificate heretofore issued in Docket No. G-7648 is amended to reflect that the sale of natural gas heretofore authorized to be made pursuant to the contract dated December 28, 1934, will hereafter be made pursuant to the contract dated March 1, 1967.

(Q) The certificates heretofore issued in Docket Nos. G-9934, G-10158, G-13885, CI61-1773, CI64-898, CI64-1211, CI65-925, and CI66-66 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The acceptance for filing of the related rate filing in Docket No. CI64-1211 is contingent upon Applicant's filing three copies of a billing statement as required by the Regulations under the Natural Gas Act.

(S) The certificates heretofore issued in Docket Nos. G-18112, CI60-216, and CI61-991 are amended to reflect the change in corporate name from Val R. Reese & Associates, Inc., to Petroleum Consultants, Inc.

(T) The proceeding pending in Docket No. RI64-478 is redesignated from Val. R. Reese & Associates, Inc., to Petroleum Consultants, Inc., to reflect the change in corporate name.

(U) The certificate heretofore issued in Docket No. CI61-535 is terminated; Harold R. Billingsley, trustee, et al., FPC Gas Rate Schedule No. 2 is canceled; and the certificate heretofore issued in Docket No. CI66-1054 is amended to denote that the sale authorized therein to be made by H. B. Lively will be made from the complete interests of Harold R. Billingsley, trustee, et al.

(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 certificate heretofore issued to Shell Oil Co. in Docket No. CI62-58 is amended by deleting therefrom authorization to sell natural gas from the acreage assigned to R. R. Kennedy et al., and permission and approval are granted to R. R. Kennedy et al., in Docket No. CI67-1586 to abandon the sale of gas from the acreage acquired from Shell Oil Co.

(X) The certificates heretofore issued in Docket Nos. G-4724, G-16828, G-16830, G-16832, G-17491, CI61-566, CI65-179, and CI65-217 are terminated.

(Y) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-3894 C 3-7-66 [1] C 7-27-66 [1]	Atlantic Richfield Co. [2]	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 2-1-66. [3]	62	13
			Supplemental agreement 7-11-66. [3]	62	14
G-7223 C 4-3-67 [1]	Standard Oil Co. of Texas, A Division of Chevron Oil Co. [2]	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Supplemental agreement 2-1-66. [3]	3	13
			Supplemental agreement 7-11-66. [3]	3	14
G-7648 4-11-67 [4]	Mobil Oil Corp	United Gas Pipe Line Co., White Point, Saxet et al., Fields, San Patricio and Nueces Counties, Tex.	(5)(6)	286	18
G-9935 E 2-11-65 [7]	William H. Putnam et al. (successor to B. H. Putnam) (Operator).	Gas Transport, Inc., Putnam Gas Field, Wood and Jackson Counties, W. Va.	B. H. Putnam (Operator), FPC GRS No. 3.	1	-------
			Supplementary agreement 3-29-60. [8]	1	1
			Assignment 6-28-64 [9]	1	2
			Assignment 7-1-64 [9]	1	3
			Letter agreement 11-8-66. [10 11]	1	4
G-11917 D 5-25-67	Mobil Oil Corp	United Gas Pipe Line Co., Green Field, Karnes County, Tex.	Assignment 12-1-65 [12 13]	23	6
G-12960 D 5-2-66	Cabot Corp. (Southwest Division) (Operator) et al.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Assignment 4-26-66 [13 14]	32	12
G-13885 E 3-28-67	Fred Whitaker (Operator) et al. (successor to International Helium, Inc. (Operator) et al.).	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	International Helium, Inc. (Operator) et al., FPC GRS No. 6.	13	-------
			Supplemental Nos. 1-2	13	1-2
			Notice of succession 3-24-67.	-------	-------
			Assignment 7-12-66 [15]	13	3
			Assignment 7-13-66 [16]	13	4
			Assignment 7-13-66 [17]	13	5
			Assignment 7-13-66 [18]	13	6
			Assignment 7-15-66 [19]	13	7
			Assignment 7-15-66 [20]	13	8
			Assignment 7-25-66 [21]	13	9
			Assignment 8-12-66 [22]	13	10
			Assignment 9-23-66 [23]	13	11
			Effective date: 8-1-66	-------	-------
G-14925 D 5-25-67	Gulf Oil Corp	Transwestern Pipeline Co., Block 27, McKee Field, Crane County, Tex.	Letter Agreement 5-12-67. [13 24]	194	10
G-18112 5-8-67 [25]	Petroleum Consultants, Inc. (Operator) et al. (formerly Val R. Reese & Associates, Inc. (Operator) et al.).	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	Val R. Reese & Associates, Inc. (Operator) et al., FPC GRS No. 2.	2	-------
			Supplemental Nos. 1-3	2	1-3
			Notice of name change 3-29-67. [26]	-------	-------
			Effective date: 1-11-65	-------	-------
G-18371 C 5-31-67 [27]	Aztec Oil & Gas Co	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Supplemental agreement 4-21-67. [3 28]	10	10
CI60-216 4-4-67 [29]	Petroleum Consultants, Inc. (Operator) et al. (formerly Val R. Reese & Associates, Inc. (Operator), et al.).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Val R. Reese & Associates, Inc. (Operator), et al., FPC GRS No. 1.	1	-------
			Supplement Nos. 1-5	1	1-5
			Notice of name change 3-29-67. [26]	-------	-------
			Effective date: 1-11-65	-------	-------
CI61-991 4-4-67 [29]	Petroleum Consultants, Inc. (formerly Val R. Reese & Associates, Inc.).	do	Val R. Reese & Associates, Inc., FPC GRS No. 3.	3	-------
			Supplement Nos. 1-3	3	1-3
			Notice of name change 3-29-67. [26]	-------	-------
			Effective date: 1-11-65	-------	-------
CI61-1773 E 5-29-67	Conroy, Inc. (Operator) et al. (successor to South Texas Development Co. (Operator)).	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	South Texas Development Co. (Operator), FPC GRS No. 2.	2	-------
			Notice of succession 5-24-67.	-------	-------
			Assignment 12-20-66 [29]	2	1
			Effective date: 12-1-66	-------	-------
CI63-1139 C 5-29-67	Harper Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield County, Okla.	Amendatory agreement 3-22-67. [3 30]	32	7

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-898, E 5-18-67	Ralph L. Warner (successor to R. G. Lawton).	Consolidated Gas Supply Corp., Grant District, Marion County, W. Va.	R. G. Lawton, FPC GRS No. 1.	8	
			Notice of succession 5-17-67.		
			Assignment 10-21-65 [38]	8	1
			Assignment 12-28-65 [39]	8	2
			Assignment 3-30-66 [39]	8	3
			Letter agreement 5-20-66.[38]	8	4
			Indenture and assignment 3-28-67.[33]	8	5
			Effective date: 3-11-67.		
CI64-946, C 5-26-67	Tenneco Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Garvie Area, Woodward County, Okla.	Amendatory agreement 4-26-67.[3]	139	5
CI64-1211, E 5-22-67	R. R. Sheets (successor to Fred V. Shadid et al.).	El Paso Natural Gas Co., South Erick Field, Greer County, Okla.	Fred V. Shadid et al., FPC GRS No. 1.[36]	1	
			Notice of succession 5-15-67.		
			Assignment 2-9-66 [37]	1	1
			Assignment 2-9-66 [38]	1	2
			Assignment 2-9-66 [39]	1	3
			Assignment 2-9-66 [40]	1	4
			Effective date: 2-9-66.		
CI66-66, E 5-25-67	The Permian Corp. (Operator) (successor to McWood Corp.) (Operator).	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Fort Jessup Field Area, Sabine Parish, La.	McWood Corp. (Operator), FPC GRS No. 5.	2	
			Notice of succession 5-16-67.		
			Assignment 4-3-67 [41]	2	1
			Assignment 4-14-67 [42]	2	2
			Effective date: 3-1-67.		
CI66-856, C 5-25-67	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	Amendatory agreement 4-28-67.[3]	32	2
CI67-46 (CI61-348), F 7-14-66 [43]	Arnold H. Bruner & Co., Inc. (successor to The California Co., a division of Chevron Oil Co.).	Southern Natural Gas Co., Franklin Field, St. Mary Parish, La.	Ratified 6-20-66 [43a]	2	
			Contract 8-30-60.		
CI67-288, C 4-28-67 [17]	Gulf Oil Corp.	Transwestern Pipeline Co., Northwest Mendota Field, Hemphill County, Tex.	Letter agreement 2-15-67.[3]	220	1
CI67-495, A 10-18-66	Jennings Petroleum Corp.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract (ratified) 6-22-66.[44]	5	
			Contract 8-25-60.	5	1
			Compliance 4-29-67 [45]	5	2
CI67-960, A 2-6-67	Yale Oil Association.	Panhandle Eastern Pipe Line Co., Selling Field, Dewey County, Okla.	Contract 11-23-66.	2	
			Compliance 4-26-67 [3] [46]	2	1
CI67-1367, A 4-3-67 [17]	Pioneer Petroleum, Inc., et al.	Consolidated Gas Supply Corp., Freeman's Creek District, Lewis County, W. Va.	Contract 7-22-66 [3]	10	
CI67-1372, A 4-4-67 [17]	W. H. Mossor et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 6-6-66 [3]	67	
CI67-1374, A 4-4-67 [17]	Raymond N. Beim et al., d.b.a. Will-Ray Oil Co. et al.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 9-21-66 [3]	1	
CI67-1400, A 4-7-67 [17]	Bowser Gas & Oil Co.	Consolidated Gas Supply Corp. Center District, Calhoun County, W. Va.	Contract 9-26-66 [3]	11	
CI67-1462, A 3-28-67 [47]	Charles A. Laughlin.	The Manufacturers Light and Heat Co., Porter Township, Clarion County, Pa.	Contract 10-26-59.	1	
			Assignment 6-19-63 [48]	1	1
			Assignment 6-25-63 [49]	1	2
			Assignment 7-8-63 [50]	1	3
			Assignment 8-18-64 [51]	1	4
			Effective date: 8-18-64.		
CI67-1500, A 4-26-67	Jones & Pellow Oil Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., Valley Center West Area, Dewey County, Okla.	Contract 4-3-67.	6	
			Compliance (undated).[3] [52]	6	1
CI67-1520, A 4-28-67	Fain-Porter Drilling Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Northwest Doby Springs Field, Harper County, Okla.	Contract 1-13-67 [3]	3	
CI67-1528 (CI64-1349), D 4-28-67 [53]	Neal Rudder (partial abandonment).	Equitable Gas Co. Union District, Ritchie County, W. Va.	Notice of partial cancellation 4-25-67.[12] [54]	5	1
CI67-1552 (CI61-1656), F 5-1-67	Eagle Oil Co., Inc. (Operator) et al. (successor to Joseph E. Newman (Operator) et al.).	Panhandle Eastern Pipe Line Co., Carver Robbins Field, Pratt County, Kans.	Contract 4-10-61 [55]	2	
			Contract 12-23-58.	2	1
			Assignment 1-10-61.	2	2
			Amended 5-20-63.	2	3
			Amended 5-22-63.	2	4
			Assignment 3-20-65 [57]	2	5
			Effective date: 4-1-65.		
			Certificate of amendment 9-12-66.[58]	2	6
			Effective date: 9-12-66.		
CI67-1553 (CI64-13), F 5-1-67			Contract 5-21-63 [59]	3	
			Assignment 6-8-66 [60]	3	1
			Effective date: 6-8-66.		
			Certificate of amendment 9-12-66.[58]	3	2
			Effective date: 9-12-66.		
CI67-1555 (CI64-13), F 5-1-67	International Oil Corp., Inc. (Operator) et al. (successor to Joseph E. Newman (Operator), et al.).	Panhandle Eastern Pipe Line Co., Carver Robbins Field, Pratt County, Kans.	Contract 5-21-63 [59]	1	
			Assignment 3-20-65 [57]	1	1
			Effective date: 4-1-65.		
			Assignment 6-11-65 [57]	1	2
			Effective date: 6-11-65.		
CI67-1556 (CI61-1656), F 5-1-67	do	do	Contract 4-10-61 [55]	2	
			Contract 12-23-58.	2	1
			Assignment 1-10-61.	2	2
			Assignment 2-27-62.	2	3
			Amended 5-20-63.	2	4
			Amended 5-22-63.	2	5
			Assignment 3-20-65 [57]	2	6
			Effective date: 4-1-65.		
CI67-1557 (CI64-1143), F 5-1-67	do	Cities Service Gas Co., Gereke Pool, Pratt County, Kans.	Contract 2-10-64 [59]	3	
			Assignment 3-20-65 [57]	3	1
			Effective date: 4-1-65.		
CI67-1574 (G-10558), E 5-1-67 [38]	Pan American Petroleum Corp. (successor to Burch Spears, Inc.).	Trunkline Gas Co., Medio Creek Field, Bee County, Tex.	Burch Spears, Inc., FPC GRS No. 1.	479	
			Supplement Nos. 1-8.	479	1-8
			Notice of succession 4-26-67.		
			Assignment 3-23-67 [61]	479	9
			Effective date: 4-1-67.		
CI67-1584 (CI65-217), B 5-8-67	Neal Rudder et al.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Notice of cancellation 4-28-67.[12] [24]	6	1
CI67-1586 (CI62-58) [62], B 5-8-67	R. R. Kennedy et al.	Transwestern Pipeline Co., acreage in Ward County, Tex.	Assignment 12-1-66 [63]		
			Letter agreement 3-20-67.[64]		
CI67-1587, A 5-8-67	Flag Oil Corp. of Delaware.	Panhandle Eastern Pipe Line Co., Northeast Selling Field, Dewey County, Okla.	Contract 3-21-67.	2	
			Compliance 6-15-67 [3] [65]	2	1
CI67-1617, A 5-11-67	W. B. Osborn, Jr. (Operator), et al.	Panhandle Eastern Pipe Line Co., Acreage in Woods County, Okla.	Contract 4-15-67.	25	
			Compliance 6-12-67.[3] [66]	25	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1656 (CI65-925) E 5-17-67 [65]	CRA International, Ltd. (Operator), et al. (successor to Oil and Gas Property Management, Inc. (Operator), et al.)	Panhandle Eastern Pipe Line Co., Einsel Field, Kiowa County, Kans.	Oil and Gas Property Management, Inc. (Operator), et al., FPC GRS No. 23.	2	
—			Notice of succession 5-15-67.		
			Assignment 12-29-66 [26]	2	1
			Effective date: 12-31-66		
CI67-1686 A 5-22-67 [22]	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Danville Field, Bienville Parish, La.	Contract 4-12-67 [44]	477	
			Contract 4-28-66 [1]	477	1
CI67-1684 A 5-26-67 [27]	Weva Oil Corp.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Contract 12-27-66 [3] [48]	3	
CI67-1689 A 5-29-67	Humble Oil & Refining Co.	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	Contract 5-10-67 [3]	426	
CI67-1690 (CI65-179) B 5-29-67	Ashland Oil & Refining Co.	Northern Natural Gas Co., West Lemon Field, Haskell County, Kans.	Notice of cancellation 5-25-67. [13] [51]	168	3
CI67-1691 A 5-29-67	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Northwest Dombey Field, Texas County, Okla.	Contract 5-2-67 [3]	427	
CI67-1694 A 5-19-67 [49]	J. C. Walker	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	Contract 6-5-67 [3]	1	
CI67-1695 (G-4724) B 5-31-67	American Metal Climax, Inc.	Montana-Dakota Utilities Co., West Greybull Unit, Big Horn County, Wyo.	Notice of cancellation 5-26-67 [13] [51]	7	8
CI67-1696 (G-17491) B 5-29-67	Texas Oil & Gas Corp. (Operator), et al.	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Notice of cancellation 5-25-67. [13] [51]	15	1
CI67-1697 (G-16828) B 5-29-67	do	Coastal States Gas Producing Co., Texana Field, Jackson County, Tex.	Notice of cancellation 5-25-67. [13] [51]	5	1
CI67-1698 (G-16832) B 5-29-67	do	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Notice of cancellation 5-25-67 [13] [51]	9	1
CI67-1699 (G-16830) B 5-29-67	do	do	Notice of cancellation 5-25-67. [13] [51]	7	1
CI67-1700 (CI61-566) B 5-29-67	Coastal States Gas Producing Co.	South Texas Natural Gas Gathering Co., South Tabasco Field Area, Hidalgo County, Tex.	Notice of cancellation 5-10-67. [13] [51]	37	1
CI67-1702 A 5-31-67	Tenneco Oil Co.	Transwestern Pipeline Co., Gatesby Field, Ellis County, Okla.	Contract 5-5-67 [3]	213	

[1] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[2] By letters filed May 31, 1967, and May 19, 1967, Applicants in Docket Nos. G-3894 and G-7223, respectively, agreed to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Amendment to the certificate filed to reflect the new contract.
[5] Replaces basic contract dated Dec. 28, 1934, as amended. The Dec. 28, 1934, contract provides for the sale of gas from a general area. The Mar. 1, 1967, contract provides for the sale from specific leases.
[6] Contract accepted by Commission's order issued Apr. 20, 1967, in Docket No. RI67-336 and designated as Supplemental No. 18 to Mobil's FPC GRS No. 286.
[7] Additional certificate filing submitted Feb. 19, 1965; additional rate filing submitted Apr. 17, 1967.
[8] Extends contract term to Dec. 31, 1967.
[9] Adds "et al." party.
[10] Extends contract term to Dec. 31, 1967.
[11] Effective date: Date of transfer of properties.
[12] Transfers properties from Applicant to Cattle-Land Oil Co. and Edwin L. Cox to a depth of 8,647 feet. Acreage presently nonproductive.
[13] Effective date: Date of this order.
[14] Deletes acreage assigned to Arnold Petroleum Co. who has not filed for certificate authorization to cover the subject acreage.
[15] Assigns to Fred Whitaker the interest of J. L. Bunyard.
[16] Assigns to Fred Whitaker the interest of International Helium, Inc.
[17] Assigns to Fred Whitaker the interest of Virginia Barber and Earl Barber.
[18] Assigns to Fred Whitaker the interest of Cummins Diesel Sales of Colorado Co.
[19] Assigns to Fred Whitaker the interest of Gus Layton.
[20] Assigns to Fred Whitaker the interest of Big West Drilling Co.
[21] Assigns to Fred Whitaker the interest of Ivan Greene.
[22] Assigns to Fred Whitaker the interest of Edward Marvin Briggs.
[23] Assigns to Fred Whitaker the interest of Continental Oil Co.
[24] Production of gas no longer economically feasible.
[25] Application to reflect corporate name change; no change in interest involved.
[26] Reflects change in corporate name from Val R. Reese & Associates, Inc. to Petroleum Consultants, Inc., as evidenced by an attached certificate of incorporation (Titled: Certificate of Comparison).
[27] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[28] Adds acreage and deletes favored-nation pricing provisions and 1.0 cents per Mcf minimum guarantee for liquids for the added acreage.
[29] Assignment of acreage from South Texas Development Co. (Operator) to Conroy, Inc. (Operator), et al.
[30] Adds acreage and deletes indefinite pricing provisions as to the subject acreage (reserves stipulated to be in the Mississippi Lime Zone).
[31] Assignment of partial interest in Manley, et al., lease from R. G. Lawton to Bruce K. Brown, et al.
[32] Assignment of Jim Manuel, et al., lease from Mutual Oil Co., to Guardian Petroleum, Inc.
[33] Assignment of Manley, et al., lease from Lawton and Brown, et al., to Guardian Petroleum, Inc.
[34] Adds acreage: Jim Manuel Lease. This acreage was not covered by the certificate granted in Docket No. CI64-898 (Jan. 1, 1968, moratorium applicable to the added acreage).
[35] Instrument whereby Ralph L. Warner acquired properties involved.
[36] The contract covers acreage under two leases only.
[37] From O. P. Russell to Applicant covering five-eighths interest in the Williams-Nowak Lease in sec. 9, T. 7 N., R. 24 W.
[38] From Fred V. Shadid to Applicant covering one-fourth interest in the Williams-Nowak Lease in sec. 9, T. 7 N., R. 24 W.
[39] From Fred V. Shadid to Applicant covering one-fourth interest in the Sun Oil Co. Lease in sec. 9, T. 7 N., R. 24 W.
[40] From O. P. Russell to Applicant covering five-eighths interest in the Sun Oil Co. Lease in sec. 9, T. 7 N., R. 24 W.
[41] Conveys properties from McWood to Occidental Petroleum Corp.
[42] Conveys properties from Occidental Petroleum Corp. to The Permian Corp.
[43] Application noticed as an initial service filing, further Staff review reveals this to be a partial succession.
[43a] Basic contract between The California Co., seller and Southern Natural Gas Co., as buyer; on file as The California Co., a division of Chevron Oil Co. FPC GRS No. 19.
[44] Ratifies Aug. 25, 1960 contract between Pan American Petroleum Corp. and Michigan Wisconsin; on file as Pan American's FPC GRS No. 330.
[45] Accepts temporary certificate issued by letter order dated Feb. 9, 1967 and provides for downward B.t.u. adjustment (compliance previously accepted by letter dated May 24, 1967). By letter dated June 2, 1967, Applicant expressed willingness to accept a permanent certificate conditioned as the temporary certificate.
[46] Accepts temporary certificate issued by letter order dated Mar. 24, 1967. Contract rate is 17.0 cents; however, by letter dated May 29, 1967, Applicant expressed willingness to accept a permanent certificate similar to conditions in the temporary certificate which are similar to Opinion No. 350, excluding R-199 and R-200 conditions.
[47] Sale being rendered without prior Commission authorization by predecessor (no certificate or rate filings ever made by predecessor).
[48] Documents whereby Applicant acquired his interest in the subject properties.
[49] Complies with temporary certificate issued May 19, 1967; Applicant by letter filed June 5, 1967, expressed willingness to accept a permanent certificate conditioned to a 15.0-cent rate.
[50] Application noticed as a complete abandonment in Docket No. CI67-1525; said docket will be canceled and the application will be construed as a petition to amend the certificate issued in Docket No. CI64-1349.
[51] Source of gas depleted.
[52] On file as Joseph E. Newman (Operator) et al., FPC GRS No. 2.
[53] Assigns acreage from Joseph E. Newman et al. to El Dorado Petroleum Corp., Inc.
[54] Changes El Dorado Petroleum Corp., Inc., name to Eagle Oil Co., Inc.
[55] On file as Joseph E. Newman (Operator) et al., FPC GRS No. 4.
[56] Assigns acreage from Kansas Oil Exploration, Inc., to El Dorado Petroleum Corp., Inc.
[57] Assigns acreage from Joseph E. Newman et al., to Applicant.
[58] On file as Joseph E. Newman (Operator) et al., FPC GRS No. 5.
[59] Application erroneously assigned Docket No. CI67-1574 will be construed as a petition to amend the certificate issued in Docket No. G-10158 and Docket No. CI67-1574 will be canceled.
[60] Transfers properties from Burch Spears, Inc., to Pan American Petroleum Corp.
[61] R. R. Kennedy et al., did not make any prior filings to reflect acquisition of the Shell interest. Acreage presently covered by Shell Oil Co.'s certificate in Docket No. CI62-58 (no sales made by Kennedy et al., since they acquired an interest in the property).
[62] From Shell Oil Co., to R. R. Kennedy et al.
[63] Transwestern and Kennedy et al. cancel the Shell contract of June 9, 1967 (Shell's FPC GRS No. 255) insofar as it pertains to the assigned acreage. Well incapable of producing into Transwestern's system. Gas will be sold to Cabot Corp. under percentage agreement for resale to Transwestern.
[64] Confirms understanding that contractual pricing provisions are consistent, and not in conflict with Commission's regulations. Also indicates Applicant is willing to accept a permanent certificate conditioned to 15.0-cent price plus applicable B.t.u. adjustment (contract provides for 17.0-cent plus B.t.u. adjustment).
[65] Application erroneously assigned Docket No. CI67-1656 will be construed as a petition to ament the certificate issued in Docket No. CI65-925 and Docket No. CI67-1656 will be canceled.

Assigns the interest of Nicholas R. du Pont to Applicant; Applicant was appointed operator by Oil & Gas Property Management and other coowners.

Adopts the terms of the contract dated Apr. 28, 1966; on file as Continental Oil Co. FPC GRS No. 314.

Seller excepts and reserves from this agreement all sands and formations below the bottom of the Berea Sand.

Sale being rendered without prior Commission authorization.

[F.R. Doc. 67-9209; Filed, Aug. 9, 1967; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs.; Temporary Reg. 13]

COPPER AND COPPER SUBSTITUTES

Use

To: Heads of Federal Agencies:

1. *Purpose.* This regulation continues in effect the provisions of FPR Temporary Regulation No. 5, March 23, 1966 (31 F.R. 4976).

2. *Effective date.* This regulation is effective August 24, 1967.

3. *Expiration date.* This regulation expires February 24, 1969, unless sooner revised or canceled.

4. *Background.* FPR Temporary Regulation No. 5 was issued as a result of heavy demands for available copper and in the interest of making certain that the procurement activities of the Government take advantage of opportunities for savings flowing from the use of copper substitutes. Continued application of the policies and procedures contained in that regulation are deemed advisable.

5. *Agency implementation.* Agencies shall comply with the provisions of FPR Temporary Regulation No. 5.

Dated: August 3, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67-9382; Filed, Aug. 9, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17570-17573; FCC 67M-1333]

ELIM BIBLE INSTITUTE, INC., ET AL.

Order Rescheduling Prehearing Conference

In re applications of Elim Bible Institute, Inc., Lima, N.Y., Docket No. 17570, File No. BP-16869; "What the Bible Says, Inc.", Henrietta, N.Y., Docket No. 17571, File No. BP-17001; Oxbow Broadcasting Corp., Geneseo, N.Y., Docket No. 17572, File No. BP-17399; John B. Weeks, Warsaw, N.Y., Docket No. 17573, File No. BP-17400; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* That the prehearing conference heretofore scheduled for September 18, 1967, is postponed to October 4, 1967, at 9 a.m., in the Offices of the Commission, Washington, D.C., because of a conflict in the Examiner's schedule.

Issued: August 3, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9401; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket Nos. 17538-17540; FCC 67M-1329]

LAUREL CABLEVISION CO. ET AL.

Order Scheduling Further Prehearing Conference

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100-24; Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100-155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona Television Market and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No. 7793-C1-P-66; for construction permit for new point-to-point microwave radio station.

Pursuant to an oral ruling of the Hearing Examiner in the prehearing conference held August 2, 1967: *It is ordered,* That the hearing heretofore scheduled for September 14, 1967 is continued without date pending Commission action on reconsideration petitions of the applicants.

It is further ordered, That a further prehearing conference will be held on September 14, 1967 at 9 a.m.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9402; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket No. 17632]

HUGH JOSEPH SINNETT

Order Designating Matter for Hearing

In the matter of Hugh Joseph Sinnett, 3925 California Avenue, Carmichael, Calif. 95608, Docket No. 17632; suspension of radiotelegraph first class operator license and radiotelephone second class operator license.

The Commission, by the Chief of its Field Engineering Bureau, has under consideration the suspension of the Radiotelegraph First Class Operator License, T1-21-309, and the Radiotelephone Second Class Operator License, P2-12-7710, issued to Hugh Joseph Sinnett whose address appears above.

In accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Sinnett filed with the Commission a timely request for hearing on the Commission's Order released January 26, 1967, suspending for three months his Radiotelegraph First Class Operator License and his Radiotelephone Second Class Operator License.

Under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Hugh Joseph Sinnett is entitled to a hearing in this matter and by filing a timely written request for a hearing, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, Under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended, and § 0.311(a)(5) of the Commission's rules that the matter of the suspension of the commercial radio operator licenses of Hugh Joseph Sinnett is hereby designated for hearing at a time and place before a hearing examiner to be specified by further Order of the Commission upon the following issues:

1. To determine whether Hugh Joseph Sinnett, while serving as the sole radio operator on board the vessel "SS Berkeley Victory," failed to carry out the lawful orders of the master of the vessel.

2. To determine in the light of the evidence adduced in the preceding issue whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this Order be transmitted by Certified Mail—Return Receipt Requested, to Hugh Joseph Sinnett, and that Sinnett notify the Commission in writing within 10 days after receipt of this Order that he will appear in person or by counsel at said hearing.

Adopted: July 28, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9403; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket No. 17632; FCC 67M-1339]

HUGH JOSEPH SINNETT

Order Scheduling Hearing

In the matter of Hugh Joseph Sinnett, 3925 California Avenue, Carmichael, Calif. 95608, Docket No. 17632; suspension of radiotelegraph first class operator license and radiotelephone second class operator license.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding, and that the hearings therein sha'l be convened on

September 12, 1967, at 10 a.m., in San Francisco, Calif.

Issued: August 4, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9404; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket No. 17554; FCC 67M-1334]

WESTERN UNION TELEGRAM CO.

Order Rescheduling Prehearing Conference

In the matter of proposed revisions in the rates of The Western Union Telegram Co. for tieline domestic interstate telegraph services, Docket No. 17554.

On the unopposed oral request of counsel for Western Union: *It is ordered*, That the prehearing conference is further rescheduled from August 17 to September 8, 1967, at 10 a.m.

Issued: August 3, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9405; Filed, Aug. 9, 1967; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

PENINSULAR AND ORIENTAL STEAM NAVIGATION CO. (P & O LINES) ET AL.

Application for Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, (46 CFR Part 540) that a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages has been issued to the following (all effective on August 7, 1967):

The Peninsular & Oriental Steam Navigation Co. (P & O Lines). Certificate No. C-1,034.
Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines). Certificate No. C-1,035.
Kavim Shipping Co., Ltd./Jamaica Shipping Lines, Ltd. Certificate No. C-1,036.
State of Alaska. Certificate No. C-1,037.
American Export Isbrandtsen Lines, Inc. Certificate No. C-1,038.
American President Lines, Ltd. (APL). Certificate No. C-1,039.
Delta Steamship Lines, Inc. (Delta Line). Certificate No. C-1,040.
Grace Line, Inc. Certificate No. C-1,041.
Matson Navigation Co., The Oceanic Steamship Co. (Matson Lines). Certificate No. C-1,042.
Moore-McCormack Lines, Inc., Certificate No. C-1,043.
United States Lines, Inc. (United States Lines). Certificate No. C-1,044.
Wisconsin & Michigan Steamship Co. (Clipper Line). Certificate No. C-1,045.
Atlantic Far East Lines, Inc. (Orient Overseas Line). Certificate No. C-1,046.
Canadian National Steamship Co., Ltd. (CN). Certificate No. C-1,047.
Evangeline Steamship Co., S.A. Certificate No. C-1,048.
Chicago Duluth & Georgian Bay Transit Co. ("Georgian Bay Line"). Certificate No. C-1,049.
Sun Line Inc. (Sun Line). Certificate No. C-1,050.
The Peninsular & Occidental Steamship Co. (P & O Steamship Co.). Certificate No. C-1,051.
Companhia De Navegacao Lloyd Brasileiro (Lloyd Brasileiro). Certificate No. C-1,052.
Greene Line Steamers, Inc. Certificate No. C-1,053.

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9408; Filed, Aug. 9, 1967; 8:51 a.m.]

SUN LINE INC.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Sun Line Inc. (Sun Line).

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9409; Filed, Aug. 9, 1967; 8:51 a.m.]

SUN LINE INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Sun Line Inc. (Sun Line).

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9410; Filed, Aug. 9, 1967; 8:51 a.m.]

SUN LINE INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

Sun Line Inc. (Sun Line). Certificate No. P-58. Effective date: August 2, 1967.

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9411; Filed, Aug. 9, 1967; 8:51 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR, ASIAN DIVISION, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SYSTEMS ANALYSIS)

Manpower Shortage

Under the provision of 5 U.S.C. 5723, the Civil Service Commission has found, effective August 2, 1967, that there is a manpower shortage for the single position of Director, Asian Division, Office of the Assistant Secretary of Defense (Systems Analysis), GS-015-17, Department of Defense, Washington, D.C.

The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9407; Filed, Aug. 9, 1967; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2153]

INCOME FUND OF BOSTON, INC., ET AL.

Notice of Application for Temporary Exemption

AUGUST 4, 1967.

Notice is hereby given that an application has been filed pursuant to sec-

tion 6(c) of the Investment Company Act of 1940 ("Act") by The Income Fund of Boston, Inc. ("Fund"), its investment adviser, Boston Administrative & Research Co., Inc. ("Adviser"), and Securities Co. of Massachusetts Inc. ("Securities"), 581 Boylston Street, Boston, Mass., the sole underwriter of the Fund, requesting an order of the Commission exempting Adviser and the Fund from the requirements of sections 15(a) and 15(c) of the Act respectively, during the period from May 24, 1967, to and including the final adjournment of the special meeting of shareholders to be held on August 31, 1967, and exempting Securities from the requirements of section 15(b) for the period from May 24, 1967, to May 31, 1967. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein which are summarized below.

The investment advisory agreement between the Fund and Adviser and the distribution contract between the Fund and Securities contain the provisions required by section 15 of the Act that they shall terminate automatically in the event of their "assignment", which under the Act includes any direct or indirect transfer of a controlling block of the outstanding voting securities of the investment adviser or the principal underwriter.

On May 24, 1967, Joseph Furst, holder of all the outstanding capital stock of Adviser and Securities died at Boston, Mass., leaving a will. The stock of Adviser and Securities is presently held as an asset of the estate of Joseph Furst to be administered by the executors named in the will. Four executors are designated to serve under the will, of whom one is a director and chief executive officer of the Fund, Adviser and Securities; one is an officer and director of each such corporation; and two are directors of the Adviser.

On May 31, 1967, the Board of Directors of the Fund by affirmative vote of the directors who were not also directors or officers of Adviser approved continuation of the present investment advisory contract with Adviser pending approval by the shareholders of the Fund of a new investment advisory contract at the special meeting of shareholders to be held August 31, 1967. In addition, those directors of the Fund who were not also directors or officers of Securities voted to approve and authorize execution of a new distribution contract with Securities containing terms and conditions identical to the distribution contract which automatically terminated when Mr. Furst died.

This application for exemption is conditioned upon the undertaking of each of the applicants to file with the Securities and Exchange Commission such additional applications for exemption and of the Fund to secure such further approval of its shareholders as may be required under the Act in connection with any transfer or distribution, in whole or in part, by the executors under the will of Joseph Furst of the capital stock of the Adviser and of the Underwriter, respectively, presently held as assets of said estate as hereinabove set forth.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and provides in substance for its automatic termination in the event of its assignment by the investment adviser.

Section 15(b) provides, among other things, that it shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell or deliver after sale any security of which such company is the issuer except pursuant to a written contract with such company, which contract shall provide for its automatic termination in the event of assignment by such underwriter.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory or underwriting contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contract or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Fund and Securities request an order exempting Securities from the provisions of section 15(b) for the period from May 24, 1967, to and including the close of business on May 31, 1967, because Securities received and accrued income from the sale of shares of the Fund during that period when no written underwriting contract was in effect.

Fund and Adviser request the order exempting Adviser and Fund from the provisions of section 15(a) and 15(c) of the Act respectively, in order that the normal operations of Fund may continue without interruption pending approval by Fund's shareholders of a new advisory contract.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person 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 to 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 August 24, 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 application 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 showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. 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] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-9349; Filed, Aug. 9, 1967; 8:46 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

AUGUST 4, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1967, through August 16, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-9350; Filed, Aug. 9, 1967; 8:46 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

AUGUST 4, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent Cumulative Convertible Preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1967, through August 16, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9351; Filed, Aug. 9, 1967; 8:46 a.m.]

[File No. 1-4078]

TEL-A-SIGN, INC.

Order Suspending Trading

AUGUST 4, 1967.

The common stock of Tel-A-Sign, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 5, 1967, through August 14, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-9352; Filed, Aug. 9, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

[Notice 1093]

AUGUST 4, 1967.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the Special Rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 179), filed July 24, 1967. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's representative: Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, petroleum products in tank vehicles, and commodities requiring special equipment (other than such equipment as is required for use in transporting machinery, tank, and other commodities requiring the use of flatbed trucks), serving the point of Longview, Wash., as an off-route point in connection with applicant's regular route authority between Tacoma, Wash., and Portland, Oreg., over U.S. Highway 99. NOTE: Applicant states it may presently serve Longview, Wash., because it is within the commercial zone of Kelso, Wash., a point on U.S. Highway 99 between Tacoma and Vancouver. Applicant seeks specific authority to serve the point of Longview so that it may serve points within the commercial zone of Longview in which the plants of the shipper supporting the application are located. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 531 (Sub-No. 234), filed July 27, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Reedley, Calif., to Chicago, Ill., and Terre Haute, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 1824 (Sub-No. 41), filed July 19, 1967. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U.S. Highways 611 and 209, near Stroudsburg, Pa., and junction U.S. Highways 9W and 209 near Kingston, N.Y., over U.S. Highway 209; (2) between junction U.S. Highway 11 and New York Highway 7, near Binghamton, N.Y., and junction New York Highways 5 and 7 at Schenectady, N.Y., over New York Highway 7; (3) between junction U.S. Highways 1 and 17 at Fredricksburg, Va., and Hancock, Md., from junction U.S. Highways 1 and 17 at Fredricksburg, over U.S. Highway 17 to junction U.S. Highway 50 at Paris, Va., thence over U.S. Highway 50 to junction U.S. Highway 522 at Winchester, Va., thence over U.S. Highway 522 to Hancock, Md., and return over the same route; and (4) between junction U.S. Highway 11 and N.Y. Highway 17

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[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

at Binghamton, N.Y., and junction U.S. Highway 15 and N.Y. Highway 17, at Painted Post, N.Y., over N.Y. Highway 17; as alternate routes for operating convenience only in (1), (2), (3), and (4), above, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 16), filed July 11, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, and *fibre board boxes*, set up or knocked down between Marienville, Parkers Landing, Knox, Kane, Sheffield, and Elk Township, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J.), New York, Rhode Island, Vermont, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 3581 (Sub-No. 12), filed July 27, 1967. Applicant: THE MOTOR CONVOY, INC., Post Office Box 432, Hapeville, Ga. 30054. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and farm-type tractors*, in secondary movement in truckaway service, between Mobile, Ala., on the one hand, and, on the other, points in Louisiana. NOTE: Applicant intends to tack the proposed authority at Mobile, Ala., with presently held authority, serving points in Virginia, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, and Florida. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or New Orleans, La.

No. MC 5470 (Sub-No. 27), filed July 26, 1967. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite*, in bulk, in dump vehicles, from Niagara Falls, N.Y., to Schneider, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 6078 (Sub-No. 62), filed July 21, 1967. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated and structural steel*, which because of size or weight, requires the use of special equipment, and *structural and fabricated steel* and *related material and supplies*, which, because of size or weight, do not require the use of special equipment when moving in mixed loads with structural and fabricated steel which, because of size or weight, require the use of special equipment, from New York, N.Y., to points in Middlesex and Union Counties, N.J., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, (2) *iron and steel articles*, from New York, N.Y., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, and (3) *damaged shipments* of the above-described commodities, from points in the above-specified destination territory to New York, N.Y., and points in Union and Middlesex Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 8984 (Sub-No. 78), filed July 20, 1967. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 15274, Vernon Station, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Argonne Industrial District, in Du Page and Will Counties, Ill., as an off-route point in connection with carrier's presently authorized regular route operations to and from Chicago, Ill., restricted against the transportation of traffic originating at or destined to points in the Chicago, Ill., commercial zone, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10761 (Sub-No. 218), filed July 31, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Honeoye Falls, N.Y., as an off-route point in connection with carrier's authorized regular route service between Buffalo and Rochester, N.Y., and between Buffalo and Syracuse, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 13123 (Sub-No. 43), filed July 27, 1967. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Kebert Park, Pa. (formerly known as Keystone Ordnance Works, located approximately 10 miles south of Meadville, Pa.), as an off-route point in connection with carrier's authorized regular route to and from Erie, Pa., and to and from Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29079 (Sub-No. 36) (Amendment), filed May 4, 1967, published in the FEDERAL REGISTER issues of May 18, 1967, amended July 7, 1967, and republished as amended, this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in dump vehicles, from the plantsites, warehouses and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, and to delete Dubuque. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 33641 (Sub-No. 64), filed July 11, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Cheyenne, Wyo., and Topeka, Kans., from Cheyenne, over U.S. Highway 30 (or Interstate Highway 80) to junction Nebraska Highway 10 (near Kearney, Nebr.), thence over Nebraska Highway 10 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 8 (near Superior, Nebr.), thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 75, thence over U.S. Highway 75 (or alternate U.S. Highway 75) to Topeka, Kans., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving the junction of U.S. Highway 75 and U.S. Highway 24 (near Topeka, Kans.),

as a point of joinder with carrier's otherwise authorized regular routes at said junction, and (2) between Cheyenne, Wyo., and junction Kansas Highway 8 and U.S. Highway 36 (near Athol, Kans.), from Cheyenne, Wyo., as above specified to junction Nebraska Highway 10 and U.S. Highway 136, thence over Nebraska Highway 10 and Kansas Highway 8 to junction U.S. Highway 36, and return over the same routes, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify.

No. MC 35628 (Sub-No. 278), filed July 27, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Southwest, Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Lima, N.Y., as an intermediate point, and Honeoye Falls, N.Y., as an off-route point, in connection with applicant's regular route operations between the Ohio-Pennsylvania State line and Boston, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 39414 (Sub-No. 15), filed July 21, 1967. Applicant: TYLER TRUCK LINES, INC., 2824 Judge Road, Rural Delivery No. 1, Oakfield, N.Y. 14125. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, equipment, materials and supplies* used in the installation, manufacture and application of such commodities, (1) from the plants and warehouses of United States Gypsum Co. at or near Oakfield, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *returned shipments and materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, on return, under contract with U.S. Gypsum Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York or Rochester, N.Y.

No. MC 50069 (Sub-No. 375) (Amendment), filed February 13, 1967, published in the FEDERAL REGISTER issues of March 9, 1967, April 6, 1967, and May 18, 1967, amended June 23, 1967, republished as amended this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Colfax and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Common control and dual operations may be involved. The purpose of this application is to add the origin point of Colfax, Ill., and to delete the origin point of Dubuque, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 382), filed July 24, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and points within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 105), filed July 21, 1967. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Homer E. Bradshaw, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 MC 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Iowa Beef Packers, Inc., at or near Luverne, Minn., to Aurora, Bloomington, Chicago, East St. Louis, Elgin, Joliet, Peoria, and Rockford, Ill., Kansas City, St. Joseph, and St. Louis, Mo., Covington and Louisville, Ky., and points in Iowa, Indiana, Ohio, and the lower peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 52861 (Sub-No. 11), filed July 21, 1967. Applicant: HAROLD W. STEWART, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, (1) from Painesville Township, Lake County, Ohio, to points in Michigan, Indiana, Kentucky, West Virginia, Pennsylvania, and New York and (2) from Scioto Township, Delaware County, Ohio, to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 55236 (Sub-No. 152) (Correction), filed July 14, 1967, published in the FEDERAL REGISTER issue of July 27, 1967, and republished as corrected, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota (except St. Paul, Minn.). NOTE: The purpose of this republication is to correct the origin point. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 58902 (Sub-No. 11), filed July 24, 1967. Applicant: MANLEY TRANSFER COMPANY, INC., 312 North Santa Fe, Chanute, Kans. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B, and C explosives*, between Parsons, Kans., and the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, from Parsons, Kans., over U.S. Highway 59 to junction Interstate Highway 35, thence over Interstate Highway 35 to the Kansas City, Mo.-Kans. Commercial Zone, as defined by the Commission, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 64932 (Sub-No. 423) (Amendment), filed January 30, 1967, published in the FEDERAL REGISTER issues of February 24, 1967, and May 18, 1967, and republished as amended this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, except in dump vehicles from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax and Riverdale, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 108), filed July 25, 1967. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Kebert Park, Pa., as an off-route point in connection with applicant's regular route operations over U.S. Highways 19, 20, 22, and 322. NOTE:

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 215), filed July 26, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: O. Russell Jones, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B, and C explosives, ammunition* not included in Classes A, B, and C explosives, *component parts* of explosives and ammunition, and *general commodities*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, livestock, farm products, grain and hay, fresh milk, fresh vegetables, perishable products which require refrigeration, lumber, in bulk, in truckloads, sand and gravel, coal in bulk, rock asphalt, corrosive acids, and new automobiles, between Albuquerque, N. Mex., and El Paso, Tex.; from Albuquerque over Interstate Highway 25 (U.S. Highway 85) to junction U.S. Highway 70 at or near Las Cruces, N. Mex., thence over U.S. Highway 70 to junction Interstate Highway 10 at or near Las Cruces, N. Mex., thence over Interstate Highway 10 (U.S. Highway 85) to El Paso, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex., or El Paso, Tex.

No. MC 78228 (Sub-No. 14), filed July 26, 1967. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey, Maryland, Delaware, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 35), filed July 17, 1967. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trench excavating machines*, from Woodbine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 82841 (Sub-No. 36), filed July 24, 1967. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, confined feeding houses and auxiliary feed mill equipment, tanks knocked down*, and *related iron and steel articles*, from Kansas City, Mo., to points in Arkansas, Kentucky, Louisiana, Tennessee, Mississippi, Wisconsin, Ohio, Michigan, and points in Alabama on and west of Interstate Highway 65 (except Birmingham, Montgomery, and Mobile) and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95490 (Sub-No. 27), filed July 24, 1967. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea*, in dump vehicles and bags, from ports of entry on the international boundary line, between the United States and Canada at Ogdensburg and Alexandria Bay, N.Y., to points in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95540 (Sub-No. 704), filed July 20, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Peoria, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D. C.

No. MC 96324 (Sub-No. 12), filed July 25, 1967. Applicant: GENERAL DELIVERY, INC., 1822 Morgantown Avenue, Post Office Box 1816, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, 711 Fourteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture and shipping of glass containers* (except commodities in bulk and tank vehicles), from points in Pennsylvania, Ohio, Kentucky, Maryland, New Jersey, New York, and Virginia (except Big Island) to Fairmont, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 96498 (Sub-No. 28), filed July 24, 1967. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading), between Evansville, Ind., and Chicago, Ill., from Evansville, over U.S. Highway 41 to the junction of Indiana Highway 64, thence over Indiana Highway 64 to the Wabash River Bridge, thence over the Wabash River Bridge to Illinois Highway 1, thence over Illinois Highway 1 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 100666 (Sub-No. 104), filed July 24, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: William L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials*, from Meridian, Miss., to points in Arkansas, Louisiana, Oklahoma, Texas, Missouri, Tennessee, Kentucky, Alabama, Georgia, and Florida and (2) *materials and supplies* used in the manufacture of roofing, from destination states named in (1) above to Meridian, Miss. NOTE: Applicant states it could tack with (1) its Sub 67 at Duke, Okla., and serve points in New Mexico or Colorado, and (2) its Sub 1 at Shreveport, La., and serve New Mexico, and at any point in Arkansas, Louisiana, or Missouri, within 250 miles of Texarkana and serve points in Kansas. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Shreveport, La.

No. MC 103880 (Sub-No. 379) (Amendment), filed January 30, 1967, published FEDERAL REGISTER issue of February 24, 1967, amended and republished as amended this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk (except in dump vehicles), from Depue and Colfax, Ill., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Michigan, Ohio, and Wisconsin. NOTE: The purpose of this republication is to add the origin point of Colfax, Ill. If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 291), filed July 28, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Car and truck camper units*, from points in Adams County, Colo., to points in Utah, Wyoming, Kansas, Nebraska, Arizona and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 105375 (Sub-No. 32), filed July 21, 1967. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from the plantsite of Chemplex Co. at or near Clinton, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas Kentucky Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New York, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 105813 (Sub-No. 154), filed July 24, 1967. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 81), filed July 20, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, including all component parts, *materials, supplies and fixtures* when shipped with such buildings, accessories used in the erection, construction and completion thereof, from Des Moines and Clarina, Iowa, to points in Kansas, Nebraska, Minnesota, North Dakota, South Dakota, and Montana. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106943 (Sub-No. 95), filed July 31, 1967. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: James E. Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of Pittsburgh Plate Glass Co. at or near Kebert Park, Pa. (approximately 10 miles south of Meadville, Pa.), as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107227 (Sub-No. 96), filed July 24, 1967. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks*, in initial movements, in driveaway and truckaway service, and (2) *bodies, cabs and parts of, and accessories* for, such vehicles when moving in connection therewith, from the plantsite of the International Harvester Co., in San Leandro, Calif., to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming). NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 110), filed July 17, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, and when shipped therewith, supplies* used in the installation thereof, from Service, Tex., to points in Arkansas and Oklahoma. NOTE: Applicant states it can or will tack at points in Oklahoma with its present authority in MC 107295 wherein it conducts operations in the States of Michigan, Indiana, Ohio, Kentucky, Tennessee, Illinois, Missouri, Iowa, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 107496 (Sub-No. 528) (Amendment), filed February 6, 1967, published FEDERAL REGISTER issues of March 2, 1967, and May 18, 1967, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate* (1) from the plantsite of The New Jersey Zinc Co., in Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan, (2) from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, and (3) from Des Moines, Iowa and Colfax, Ill., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to add the origin point of Colfax, Ill., to (3) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 585), filed July 26, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799—Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Alabama, Mississippi, Louisiana, Florida, Georgia, and Kentucky. NOTE: Common control may be involved. Applicant states it could tack the authority sought in this application with its presently held authority in Sub 498 at Doraville, Ga., to serve the State of Tennessee. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 108119 (Sub-No. 19), filed July 24, 1967. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, posts and poles*, from points in Colorado, to points in Minnesota, Wisconsin, Missouri, Illinois, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108449 (Sub-No. 248) (Amendment), filed January 23, 1967, published in FEDERAL REGISTER issues of February 16, 1967, and May 18, 1967, and republished as amended, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to expand the origin area by adding Colfax, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108859 (Sub-No. 46) (Amendment), filed June 12, 1967, published FEDERAL REGISTER issue of July 7, 1967, amended July 21, 1967, and republished as amended this issue. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North Escanaba, Mich. 49829. Applicant's representative: William B. Elmer 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk), between St. Ignace and Cheboygan, Mich., from St. Ignace over Interstate Highway 75 to junction U.S. Highway 23, thence over U.S. Highway 23 to Cheboygan, and return over the same route, (a) restricted against service at points intermediate to Ignace and Cheboygan, and (b) restricted to traffic transported either from or to otherwise authorized points in the Upper Peninsula of Michigan west of Interstate Highway 75, U.S. Highway 2, and Michigan Highway 48 between St. Ignace and Sault Ste. Marie, and points in Wisconsin north of U.S. Highway 18 between Milwaukee and the Mississippi River. NOTE: This application is accompanied by a petition seeking a modification to applicant's present certificate in Docket No. MC 108859 against the transportation of any traffic which originates in the Lower Peninsula of Michigan and is destined to points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, U.S. Highway 2, and Michigan Highway 48 between St. Ignace, Mich., and Sault Ste. Marie, Mich., and similarly restricted against the transportation of traffic which originates in the described area in the Upper Peninsula of Michigan and is destined to points in the Lower Peninsula of Michigan. Applicant states the proposed extension of service is expressly conditioned upon the modification of applicant's present certificate as above described. The purpose of this republication is to remove the restriction designated as (c), as previously published. If a hearing is deemed necessary, applicant requests it be held at Lansing or Escanaba, Mich.

No. MC 109478 (Sub-No. 105), filed July 24, 1967. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the plantsite and storage facilities of A. E. Staley Manufacturing Co., located at or near Decatur, Ill., to Buffalo and Lockport, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110988 (Sub-No. 232) (Amendment), filed January 30, 1967, published in the FEDERAL REGISTER issues of February 24, 1967, May 18, 1967, and May 25, 1967, and republished, as amended this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper-type vehicles, from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111434 (Sub-No. 68), filed July 19, 1967. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime products and limestone and limestone products*, (1) from points in Garfield County, Colo., to points in New Mexico, Utah, and Wyoming and (2) between points in New Mexico, Utah, and Wyoming on shipments immediately preceded or followed by rail shipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 112801 (Sub-No. 63) (Amendment, filed January 20, 1967, published in the FEDERAL REGISTER issues of February 2, 1967, and April 6, 1967, and republished as amended this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Mail: Post Office Box 272 (Cicero Station), Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plant sites, warehouses and facilities of The New Jersey Zinc Company, located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 178), filed July 27, 1967. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Paducah, Ky., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Memphis, Tenn.

No. MC 113325 (Sub-No. 119) (Amendment), filed February 20, 1967, published in FEDERAL REGISTER issue of March 9, 1967, and May 18, 1967, amended June 27, 1967, and republished as amended this issue: Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Kenneth C. Dillman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, dry, in bulk, from the plantsite of the New Jersey Zinc Co., at or near Depue, Colfax, and Riverdale, Ill., and from Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this application is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113828 (Sub-No. 133), filed July 26, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground mica*, in bulk, from points in Yancey and Mitchell Counties, N.C., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 177), filed July 24, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds and cleaning compounds*, except in bulk, from Utica, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115257 (Sub-No. 40), filed July 24, 1967. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla.

73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartoned new furniture*, between Rome, Ga., on the one hand, and, on the other, points in Oklahoma, Texas, Kentucky, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Missouri, Kansas, Iowa, Indiana, Ohio, Michigan, Minnesota, Wisconsin, New Mexico, Arkansas, Nebraska, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 115331 (Sub-No. 223) (Amendment), filed March 17, 1967, published FEDERAL REGISTER issue of April 6, 1967, amended and republished as amended this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from (1) Depue and Colfax, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Michigan, Kansas, South Dakota, North Dakota, Indiana, and Ohio, (2) Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, (3) Des Moines, Iowa to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri, and (4) Dubuque, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri. NOTE: Common control and dual operations may be involved. The purpose of this republication is to add the origin point of Colfax, Ill., in (1) above. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116273 (Sub-No. 85) (Amendment), filed January 29, 1967, published in the FEDERAL REGISTER issues of February 16, 1967 and May 18, 1967, amended and republished as amended, this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, except in dump vehicles, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, and points within 5 miles of each, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states there is possibility of tacking with present authority in MC 116273 Sub 20, wherein it is authorized to operate in Michigan, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas. NOTE: The purpose of this republication is to add Colfax, Ill., and to delete Dubuque, Iowa, as origin points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116280 (Sub-No. 4), filed July 25, 1967. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Chistian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Cambria, Blair, Bedford, Huntingdon, Fulton, and Somerset Counties, Pa. Restriction: The authority granted herein is restricted to transportation of traffic having a prior or subsequent movement by air. NOTE: Applicant is also authorized as a contract carrier in Permit No. MC 88299, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it to be held at Johnstown or Harrisburg, Pa.

No. MC 116474 (Sub-No. 13), filed July 24, 1967. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170 B, Springfield, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure treated poles, piling and lumber*, from Oroville, Calif., to points in Oregon, under a continuing contract with Koppers Company, Inc. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116720 (Sub-No. 6), filed July 25, 1967. Applicant: DONALD E. MILLER, 15-A Third Street West, Lemmon, S. Dak. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *supplies, signs, and materials used in the sale thereof*, from Milwaukee and La Crosse, Wis., to Lemmon and Mobridge, S. Dak., under contract with Interstate Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Minneapolis, Minn.

No. MC 116949 (Sub-No. 8), filed July 26, 1967. Applicant: BURNS TRUCKING, INC., Route 1, South Sioux City, Nebr. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used and/or wrecked semitrailers and parts and equipment therefor* between the plantsite of Jason Manufacturing, Inc., located at or near Hampton, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Jason Manufacturing, Inc., of Hampton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No MC 117250 (Sub-No. 5), filed July 19, 1967. Applicant: JAMES WILSON & SONS TRUCKING CORP., 200 King Street, Brooklyn, N.Y. 11231. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of paints, colors, chemicals, and pigments, and *materials and supplies* used in connection therewith, except in bulk, in tank or hopper-type vehicles, from points in Bergen, Camden, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., to New York, N.Y., under contract with Sherwin-Williams Co. NOTE: Applicant states the purpose of this application is to serve same shipper from new plant. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118474 (Sub-No. 4) (Amendment), filed June 22, 1967, published in FEDERAL REGISTER issue of July 7, 1967, amended July 20, 1967, and republished as amended, this issue. Applicant: AIR VAN LINES, INC., 135 Post Road, Anchorage, Alaska, also Post Office Box 3158, ECB, Anchorage, Alaska. Applicant's representative: Wyman C. Knapp, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, when moving on through bills of lading, between points in the Seattle, Wash., commercial zone, restricted to shipments moving to and from the State of Alaska. NOTE: Applicant does not propose to restrict itself to transporting shipments which only originate or terminate in the aforesaid commercial zone, but will receive shipments from and deliver shipments to connecting carriers within said zone. The purpose of this republication is to delete "of an exempt freight forwarder," as previously published. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 119577 (Sub-No. 14) (Amendment), filed April 13, 1967, published FEDERAL REGISTER issue of April 27, 1967, amended and republished as amended this issue. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to add the words "in bulk," to the commodity description, and to add Colfax, Ill., to the origin point and delete

Dubuque, Iowa, from the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 119895 (Sub-No. 14), filed July 27, 1967. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and commodities distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plantsite and storage facilities of I. D. Packing Co., Des Moines, Iowa, to Austin, Minn., and Fremont, Nebr., restricted to the transportation of traffic originating at and destined to the points named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 121142 (Sub-No. 8), filed July 10, 1967. Applicant: J & G EXPRESS, INC., 489 Julienne Street, Jackson, Miss. 38202. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those of unusual value), (1) between Grenada, Winona, Vaiden, Durant, Goodman, Pickens, Canton, Madison, Ridgeland, and Jackson, Miss., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 82 and on and west of Interstate Highway 55; and (2) Regular Route, serving Raymond, Miss., as an off-route point in conjunction with its authorized regular route operations between Jackson and Holly Springs, Miss. NOTE: Applicant states that tacking could take place at Grenada, Miss., or on Mississippi Highway 7, north of Grenada where it is west of Interstate Highway 55 to join with the territory being sought. If a hearing is deemed necessary, applicant requests it be held at Greenwood or Greenville, Miss.

No. MC 123011 (Sub-No. 2), filed July 27, 1967. Applicant: GERALD SCHNEIDER, Rural Free Delivery 1, Postville, Iowa 52162. Applicant's representative: Arthur H. Jacobson, 25 First Avenue NW., Waukon, Iowa 52172. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cheese*, from the site of the Gunder Cooperative Cheese Factory, Gunder, Iowa, to the site of Borden Co., Boscobel, Wis., from Gunder, over County Road to junction U.S. Highway 18, thence over U.S. Highway 18 through Prairie du Chien and Bridgeport to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to junction U.S. Highway 61, thence south on U.S. Highway 61 to Boscobel, serving no intermediate points, and *cheese factory supplies*, on return, under contract with Gunder Cooperative Cheese Factory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waukon, Dubuque, Davenport, or Des Moines, Iowa.

No. MC 123819 (Sub-No. 12), filed July 27, 1967. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from New Orleans, La., to points in Hillsboro, Pasco and Polk Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124078 (Sub-No. 262) (Amendment), filed January 26, 1967, published in FEDERAL REGISTER issues of February 16, 1967, and May 18, 1967, and republished as amended, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Colfax, Depue, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its Sub 225 at Indianapolis, Ind., to serve Kentucky. The purpose of this republication is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124813 (Sub-No. 38) (Amendment), filed March 24, 1967, published in the FEDERAL REGISTER issue of April 20, 1967, amended and republished as amended this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) from Des Moines and Dubuque, Iowa and Colfax and Riverdale, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to add Colfax, Ill., as an origin point. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 118468 and Subs thereunder, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125777 (Sub-No. 110) (Amendment), filed March 22, 1967, published in the FEDERAL REGISTER issue of April 6, 1967, amended and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in dump vehicles, from Depue, Colfax, and Riverdale, Ill., and Des Moines and Dubuque, Iowa, and points within 5 miles of each, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Indiana, and Michigan. NOTE: The purpose of this republication is to add Colfax, Ill., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126126 (Sub-No. 5), filed July 24, 1967. Applicant: RABB BROS. TRUCKING, INC., Post Office Box 736, San Joaquin, Calif. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, a motor vehicle, over irregular routes, transporting: *Aluminum pipe*, including *couplings and fittings, irrigation pumps, pump components and accessories*, in specially designed shipper-owned trailers, from the plantsite of West Side Pump Co., located in Fresno County, Calif., to points in Arizona, Nevada, Oregon, Utah, Washington and Idaho, under contract with West Side Pump Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126428 (Sub-No. 1) (Amendment), filed March 16, 1967, published in the FEDERAL REGISTER issues of March 30, 1967, and May 18, 1967, amended June 27, 1967, and republished as amended, this issue. Applicant: ZIBERT TRANSPORT CO., a corporation, Post Office Box 65, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the warehouses, facilities, and the plantsites of the New Jersey Zinc Co. at or near Depue, Colfax, and Riverdale, Ill., Des Moines, Iowa, to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, Michigan, and Illinois. NOTE: The purpose of this republication is to broaden the origin point, by adding Colfax. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126822 (Sub-No. 14), filed July 24, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, from points in Missouri,

Kansas, Nebraska, Iowa, Illinois, and Indiana, to ports of entry on the international boundary line between the United States and the Province of Manitoba, Canada, located in North Dakota and Minnesota for export into the Province of Manitoba. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Bismarck, N. Dak.

No. MC 126899 (Sub-No. 26), filed July 21, 1967. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 126930 (Sub-No. 2), filed July 16, 1967. Applicant: BRAZOS TRANSPORT CO., a corporation, East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, gypsum, asbestos-cement products, building materials* (except lumber), *roofing materials, and insulating materials, and materials and supplies used in the installation of such commodities* (except liquid commodities, in bulk, in tank vehicles), from Medicine Lodge, Kans., to points in Missouri and *returned shipments*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 127478 (Sub-No. 1), filed July 25, 1967. Applicant: WILLIAM M. HAYES, doing business as HAYES TRUCKING CO., Post Office Box 31, Winterville, Ga. 30683. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Milwaukee, Wis., Fort Wayne, Ind., St. Joseph, Mo., and Peoria, Ill., to Asheville, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 128205 (Sub-No. 4) (Amendment), filed May 10, 1967, published FEDERAL REGISTER issue of May 25, 1967, amended and republished as amended this issue. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to add the origin point of Colfax, Ill., and delete the origin point of Dubuque, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128273 (Sub-No. 11), filed July 24, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: John Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except in bulk, in tank and hopper vehicles), from Texas City, Tex., to points in Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, Arkansas, Kansas, Oklahoma, and Missouri. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 12) filed July 26, 1967. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: John Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk and in packages, and *insecticides, fungicides, herbicides*, in packages, from the plantsite of Gulf Oil Corp. (Faustina Works) at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Louisiana. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 128401 (Sub-No. 3) (Amendment), filed June 9, 1967, amended July 11, 1967, and republished as amended this issue. Applicant: ROSBOROUGH REFRIGERATED EXPRESS COMPANY, INC., 345 Hartford Avenue, North Bellingham, Mass. 02057. Applicant's representative: F. T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Frozen prepared foods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of sections 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen prepared foods, from points in Bristol, Essex, Middlesex, Norfolk, Suffolk, and Worcester Counties, Mass., to points in New York, on and west of U.S. Highway 9, on and north of U.S. Highway 6, from junction U.S. Highway 6 and U.S. Highway 9 to the interchange of U.S. Highway 6 with New York Highway 17 at Goshen, N.Y., and on and north of New York Highway 17 from the interchange of New York Highway 17 with U.S. Highway 6 at Goshen to the interchange of New York Highway 17 with Interstate Highway 90 at Westfield, N.Y. NOTE: The purpose of this republication is to amend applicant's commodity description. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128746 (Sub-No. 6), filed July 24, 1967. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers and (2) *advertising materials*, from Newark, N.J., to points in Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128806 (Sub-No. 2) (Amendment), filed May 10, 1967, published in the FEDERAL REGISTER issue of May 25, 1967, amended June 23, 1967, and republished as amended this issue. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, Ill. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128814 (Sub-No. 4) (Clarification), filed June 26, 1967, published FEDERAL REGISTER issues of July 13, and July 27, 1967, and republished as clarified, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO. (temporary operator of H. Messick, Inc.), a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents and supplies*, between Hampton and St. Paul, Minn., and points within 5 miles thereof, on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the Northern Peninsula of Michigan under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority under MC 109397 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to show that applicant, pursuant to MC-F-9594, may temporarily operate H. Messick, Inc. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 128951 (Sub-No. 3), filed July 24, 1967. Applicant: ROBERT

DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden, New Ulm, Minn. 56073. Applicant's representative: C. Allen Dosland, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerator gaskets and related items*, from New Ulm, Minn., to Amana, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Ulm or Mankato, Minn.

No. MC 128979 (Sub-No. 1), filed July 28, 1967. Applicant: SMITH TRANSFER, INC., 1024 East Pike Street, Seattle, Wash. 98122. Applicant's representative: E. L. Hahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in King, Kitsap, Island, Pierce, Thurston, Mason, and Snohomish Counties, Wash., restricted to shipments having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129020 (Amendment), filed April 13, 1967, published FEDERAL REGISTER issue April 27, 1967, and republished as amended, this issue. Applicant: JOHN ALBERT RAVEN, doing business as AMERICAN MOTOR SERVICE, 5819 West 109th Street, Chicago Ridge, Ill. 60415. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to add the words "in bulk", to the commodity description, and to add Colfax, Ill., to the origin point and delete Dubuque, Iowa, from the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 129028 (Sub-No. 1), filed July 26, 1967. Applicant: BAUCOM'S TRANSFER & STORAGE CO., INC., 2529 North Tryon Street, Charlotte, N.C. 28206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alamance, Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Gaston, Guilford, Hoke, Iredell, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Randolph, Richmond, Rowan, Rutherford, Scotland, Stanly, Union, and Wake Counties, N.C., and points in Cherokee, Chester, Fairfield, Greenville, Lancaster, Lexington, Richland, Spartanburg, Union, and York Counties, S.C., restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 129067 (Amendment), filed May 5, 1967, published in FEDERAL REGISTER issue of May 18, 1967, and republished as amended, this issue. Applicant: ILLINOIS VALLEY CARTAGE, INC., Box 45, Peru, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129164 (Sub-No. 1), filed July 17, 1967. Applicant: MEMPHIS-ALABAMA XPRESS, INC., 4926 Stillwood Drive, Nashville, Tenn. 37220. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring equipment, and those injurious or contaminating to other lading), (1) between Memphis, Tenn., and Florence, Ala., (a) over U.S. Highway 72, serving no intermediate points, but serving points within 10 miles of Memphis and Florence as off-route points, and (b) from Memphis, over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence; and return over the same routes serving no intermediate points, but serving points within 10 miles of Memphis, Tenn., and Florence, Sheffield, Tuscumbia, and Muscle Shoals, Ala., as off-route points, and serving Russellville, Ala., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Florence, Ala.

No. MC 129225 (Sub-No. 1), filed July 24, 1967. Applicant: JEROME J. MARTIN, Sullivan, Wis. 25930. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *ice cream and fruit juices*, from Whitewater, Wis., to points in Iowa and points in Illinois on and north of U.S. Highway 36, and *empty containers* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 129278, filed July 27, 1967. Applicant: MATTINGLY MOVING & STORAGE CO., INC., 2625 Magazine Street, Louisville, Ky. 40211. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption, between points in Jefferson, Hardin, Oldham, Carroll, Meade, Bullitt, Shelby, Nelson, Anderson, Henry, and Franklin Counties, Ky.; and points in Harrison, Floyd, Crawford, Clark, and Scott Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 129283, filed July 26, 1967. Applicant: RAY THOMPSON MOVING & STORAGE, INC., Post Office Box 1064, Power Street, Clarksville, Tenn. 37040. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montgomery and Stewart Counties, Tenn., and Christian County, Ky., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 129285, filed July 26, 1967. Applicant: DON CUIN AND L. B. CUIN, a partnership, doing business as RED DESERT SERVICE, Post Office Box 72, Wamsutter, Wyo. 82336. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, and *replacement motor vehicles for wrecked or disabled motor vehicles*, by towing and truckaway method, between points in Wyoming, on the one hand, and, on the other, points in Colorado and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 60), filed July 26, 1967. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington,

D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers and express* in the same vehicle with passengers, (1) between junction U.S. Highway 209 and U.S. Highway 44 and junction Interstate Highway 87 and New York Highway 17K (Interchange 17), from junction U.S. Highway 209 and U.S. Highway 44 at or near Kerhonkson, N.Y., over U.S. Highway 44 to junction New York Highway 299, thence over New York Highway 299 to junction Interstate Highway 87, at Interchange 18, near New Paltz, N.Y., thence over Interstate Highway 87 to junction Interstate Highway 87 and New York Highway 17K (Interchange 17) at or near Newburgh, N.Y., and return over the same route, serving all intermediate points, and (2) between Accord, N.Y., and Ulster County Community College, at or near Stone Ridge, N.Y., from Accord, N.Y., over U.S. Highway 209 to junction County Road 72, at or near Stone Ridge, N.Y., thence over County Road 72 (approximately 1 mile) to the entrance of Ulster County Community College, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany or Newburgh, N.Y.

No. MC 128239 (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 30, 1966, amended and republished as amended, this issue. Applicant: BILLY R. HALLUM, doing business as TRI STATE TRANSIT CO., 1934 South Florida, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, from Southaven, Miss., over U.S. Highway 51 to Memphis, Tenn., thence over city streets to junction Union and Main Streets and return over the same route, serving no intermediate points. NOTE: The purpose of this republication is to more clearly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 129277, filed July 31, 1967. Applicant: THE TERMINAL TAXI CO., INC., doing business as YELLOW CAB COMPANY AND METROPOLITAN LIMOUSINE SERVICE, 20 Fair Street, New Haven, Conn. 06510. Applicant's representative: Walter Slowinsky, 815 Connecticut Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in special nonscheduled door-to-door service, limited to the transportation of not more than six passengers, not including the driver thereof, in any one vehicle, between points in New Haven County, Conn., and airport sites located in New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Haven, Conn., or Washington, D.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 59617 (Sub-No. 3), filed July 24, 1967. Applicant: WARE'S VAN & STORAGE CO., INC., 810 Chestnut Street, Vineland, N.J. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods* as defined by the Commission and (2) *furniture* in containers, (a) between Vineland, N.J., and points in Cumberland, Salem, Gloucester, Camden, Atlantic, and Cape May Counties, N.J., and (b) from Vineland, N.J., and points in Cumberland, Salem, Gloucester, Camden, Atlantic, and Cape May Counties, N.J., to points in New Jersey, Delaware, and Philadelphia, Pa., restricted to (1) shipments moving on a through bill of lading of a forwarder operating under section 402(b)(2) exception of the act, and (2) to shipments having an immediate or prior or subsequent line haul movement by rail, motor, water, or air.

No. MC 61403 (Sub-No. 172), filed July 24, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in tank- or hopper-type vehicles, from Lima, Ohio, to Chester, S.C.

No. MC 129262, filed July 20, 1967. Applicant: AYERS & MADDUX, INC., 510 East Olympic Boulevard, Los Angeles, Calif. 90015. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and alcoholic liquors*, in bulk, in tank vehicles (with no authorization to transfer property from one vehicle to another), from ports of entry on the international boundary line between the United States and Mexico, to points in California, Michigan, Illinois, and Ohio.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9301; Filed, Aug. 9, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41088—*Cement from Dewey and Tulsa, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-9003), for interested rail carriers. Rates on cement and related articles, in carloads, from Dewey and Tulsa, Okla., to points in Nebraska and Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southwestern Freight Bureau, agent, tariff ICC 4587.

FSA No. 41089—*Sulphur from Fort Stockton, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9004), for interested rail carriers. Rates on sulphur, crude, unground and unrefined, in carloads, from Fort Stockton, Tex., to points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 4713.

FSA No. 41090—*Petroleum Products from Points in Colorado.* Filed by Western Trunk Line Committee, agent (No. A-2514), for interested rail carriers. Rates on distillate fuel oil, gas oil, residual fuel oil, and rubber extender or rubber processing oil, in tank-car loads, from Denver, Dupont and Rolla, Colo., to points in Iowa, Minnesota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 37 to Western Trunk Line Committee, agent, tariff ICC A-4572.

FSA No. 41091—*Liquid Synthetic Plastics from Chocolate Bayou, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8997), for interested rail carriers. Rates on liquid synthetic plastics, in tank-car loads, from Chocolate Bayou, Tex., to Holden, La.

Grounds for relief—Market competition.

Tariff—Supplement 167 to Southwestern Freight Bureau, agent, tariff ICC 4534.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9393; Filed, Aug. 9, 1967; 8:50 a.m.]

[Notice 20]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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-69584. By order of July 31, 1967, the Transfer Board, approved the transfer to Southard Trucking Co., Inc., Clinton, Ind., of Certificate No. MC-114293, issued April 30, 1959, to Isaac F. Dunn, doing business as Ike Dunn, Chrisman, Ill., and authorizing the transportation of: Agricultural implements, from La Porte, Ind., to points in Edgar County, Ill., agricultural limestone, from points in Putnam County, Ind., to points in Edgar County, Ill.; cinders, from Terre Haute, Ind., to points in Edgar County, Ill.; brick and clay products, from Brazil and Putnamville, Ind., to points in Edgar County, Ill.; and coal, from points in Clay, Vermillion and Vigo Counties, Ind., to points in Edgar County, Ill.; grain, from Montezuma, West Union, Hillsdale, and Dana, Ind., to Paris, Ill.; gravel, from Montezuma, Ind., to points in Edgar County, Ill.; limestone, gravel, sand, rock, dirt, and coal, from points in Montgomery, Parke, Fountain, Putnam, Vigo, and Clay Counties, Ind., to points in Vermilion, Champaign, Douglas, Edgar, Clark, Cumberland, and Coles Counties, Ill.; livestock, from points in Edgar County, Ill., to Indianapolis, Ind.; stock feed, from Indianapolis, Ind., to points in Edgar County, Ill., and sand and gravel, from points in Vigo and Vermillion Counties, Ind., to points in Edgar County, Ill. W. L. Jordan, 201 Merchants Saving Building, 7 South Sixth Street, Terre Haute, Ind. 47801; representative for applicants.

No. MC-FC-69739. By order of July 31, 1967, the Transfer Board approved the transfer to Modern Trucking Corp.; Bethel, Pa., of permit in No. MC-127837, issued October 20, 1966, to Ray A. Ritchie, Bethel, Pa., authorizing the transportation of: Concrete, cinder, and slag products, and clay tile from points in Bethel Township, Pa., to points in Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and the District of Columbia; Materials used in the production and distribution of concrete, cinder and slag products, from points in Delaware, Kentucky, Maryland, New York, North Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, and parts of New Jersey, and Ohio, to points in Bethel Township, Pa., clay tile, from points in Ohio to points in Bethel Township, Pa., and, concrete, cinder and slag products from a specified part of New Jersey to points in Bethel Township, Pa. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-69741. By order of July 31, 1967, the Transfer Board approved the transfer to Edith R. Allen, doing business as S. P. Rutherford Transfer and Storage, 1034 Fifth Street, Bristol, Tenn. 37621, of certificate in No. MC-94190, issued August 27, 1941, to C. R. Phillips, 1605 Edgemont Avenue, Bristol, Tenn. 37622, authorizing the transportation of: Lumber, building materials, and supplies, contractors equipment, heavy machinery, crushed stone, sand and gravel, and nursery stock, between points in Tennessee and Virginia within 150 miles of Bristol, Tenn., including Bristol.

No. MC-FC-69780. By order of July 31, 1967, the Transfer Board approved the transfer to Arthur W. Watson, doing business as Watson's Express, Wellesley Hill, Mass., of the certificate in No. MC-30800, issued December 19, 1940, to Charles Edgar Holmes, doing business as Warren's Express, Wellesley Hills, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over specified regular routes, between Wellesley, Mass., and Boston, Mass. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109 and Charles J. Kickham, Jr., 31 Milk Street, Boston, Mass. 02109, attorneys for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9393; Filed, Aug. 9, 1967; 8:50 a.m.]

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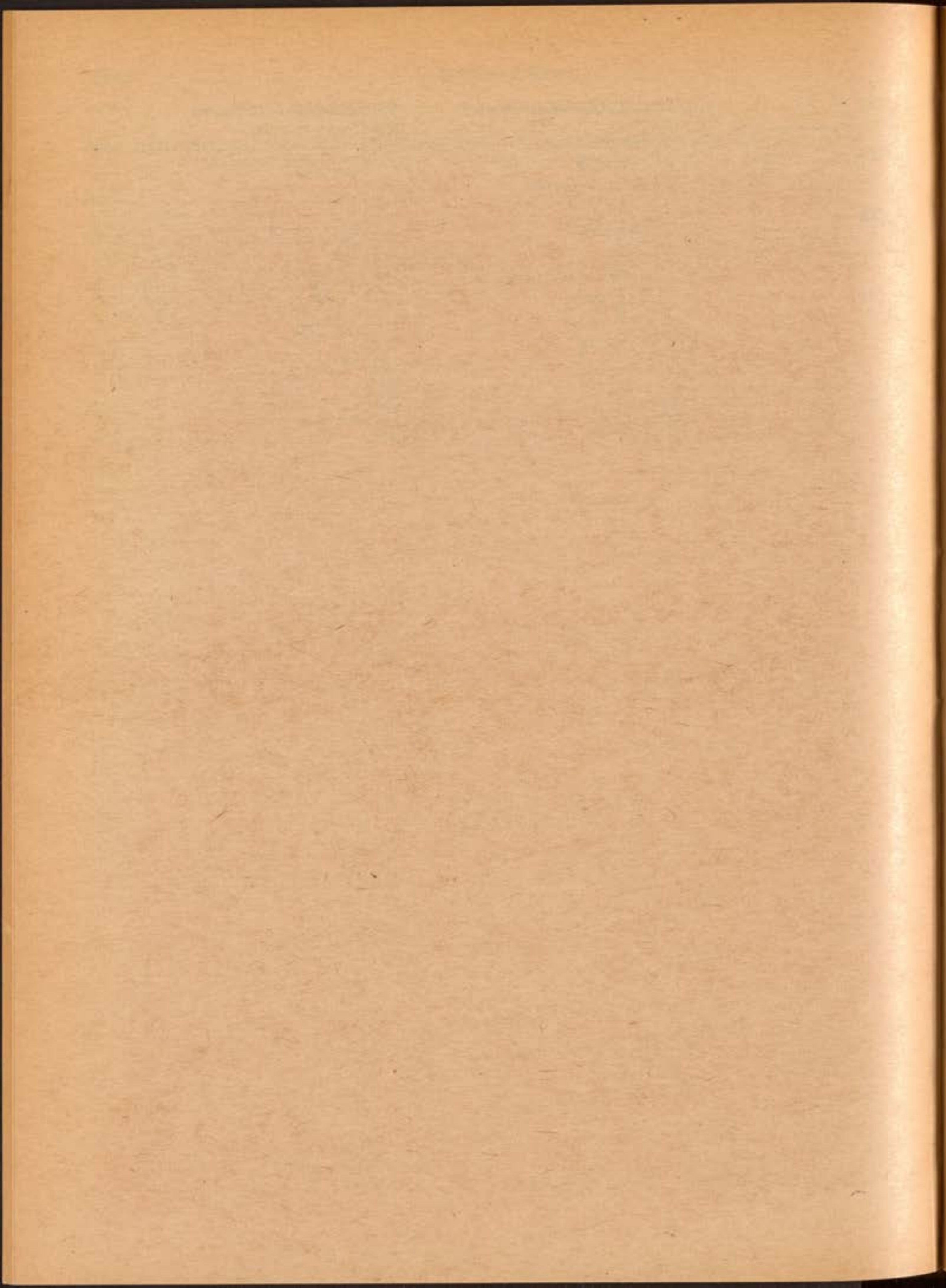

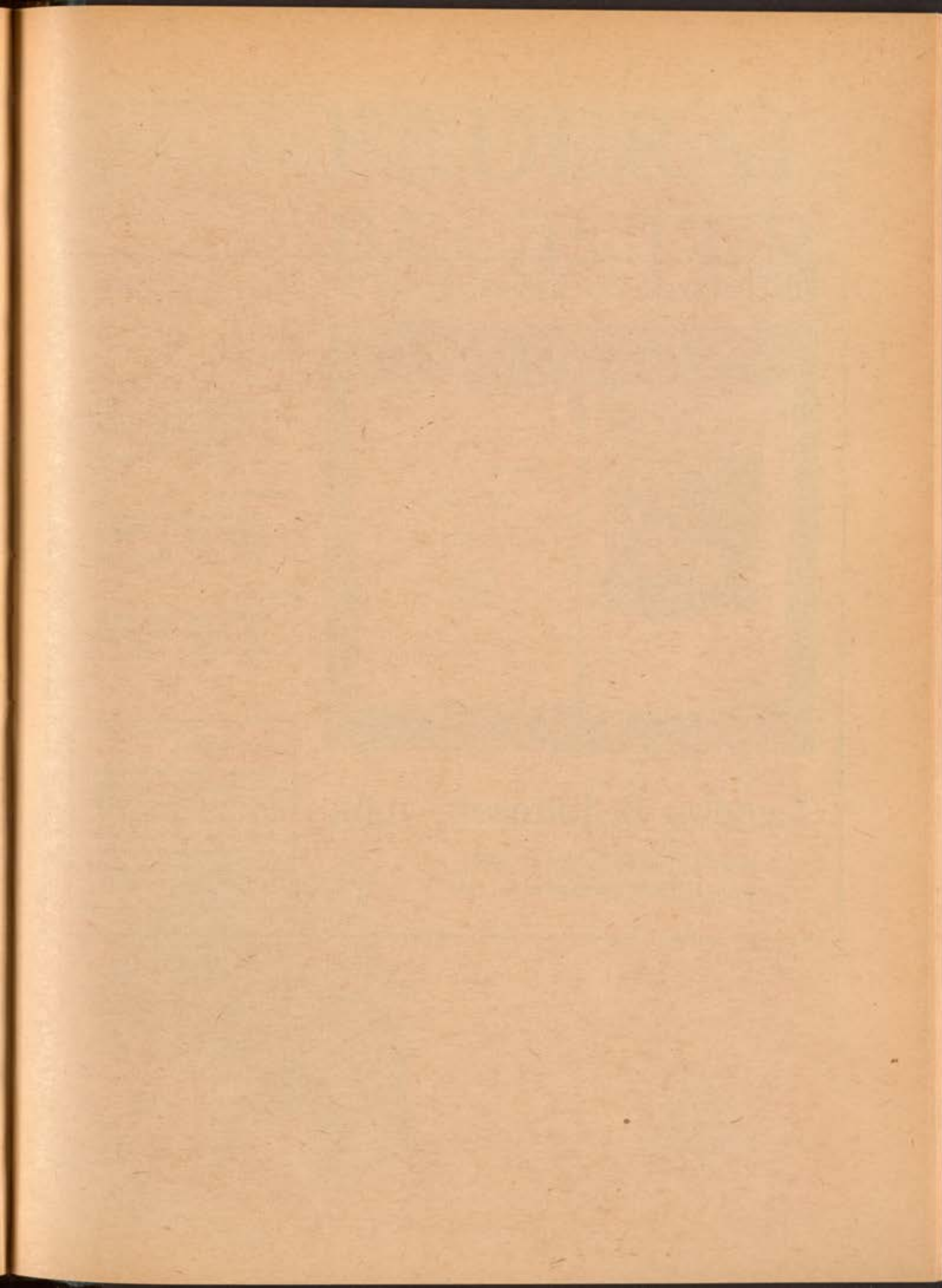

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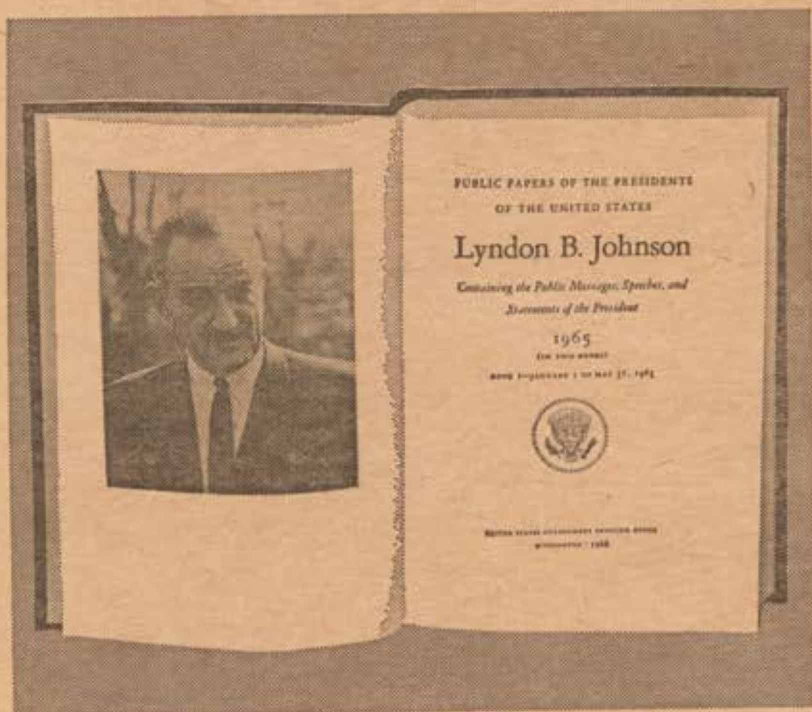

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