

FEDERAL REGISTER

VOLUME 33 • NUMBER 56

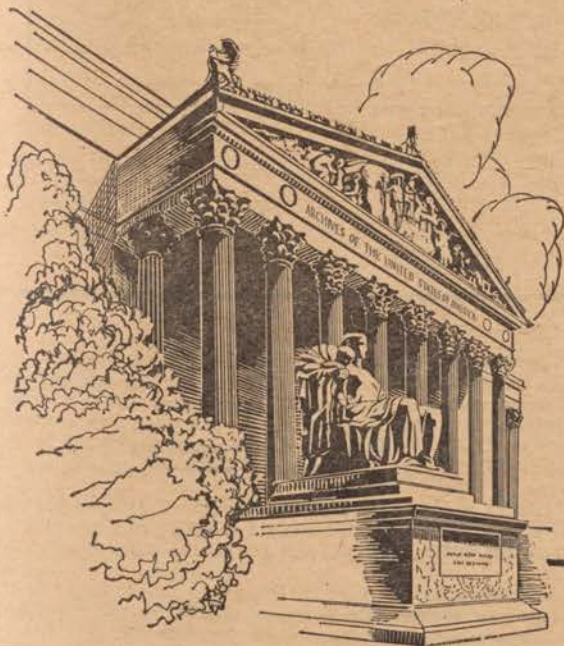
Thursday, March 21, 1968 • Washington, D.C.

Pages 4781-4866

Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Budget Bureau
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Delaware River Basin Commission
Federal Aviation Administration
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Fiscal Service
Fish and Wildlife Service
Foreign Direct Investments Office
Forest Service
Indian Affairs Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Panama Canal
Public Health Service
Securities and Exchange Commission

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1968)

Title 16—Commercial Practices (Part 150-End) (Revised)	\$1.25
Title 26—Internal Revenue Part 1 (§§ 1.401-1.500) (Revised)	1.00
Title 44—Public Property and Works (Revised)35

[A cumulative checklist of OFR issuances for 1968 appears in the first issue of the Federal Register each month under Title 1]

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



Area Code 202

Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Contents

THE PRESIDENT

- PROCLAMATION**
Cancer Control Month, 1968..... 4785

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

- Rules and Regulations**
Feed grains; 1966-1969 program; county projected yields and rates..... 4788
Sugarcane in Puerto Rico; fair and reasonable prices for 1967-68 crop..... 4788
Tobacco; marketing quota referenda:
Cigar-filler (type 41) tobacco.... 4787
Maryland tobacco..... 4787

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Federal Crop Insurance Corporation; Forest Service.

ATOMIC ENERGY COMMISSION

- Notices**
Atomic Disposal Co., Inc.; issuance of amendment to byproduct and source material license..... 4836

BUDGET BUREAU

- Notices**
Transfer of use, possession, and control of certain lands to Tennessee Valley Authority from Atomic Energy Commission.... 4837

CIVIL AERONAUTICS BOARD

- Rules and Regulations**
Uniform system of accounts and reports for certificated air carriers; identification of non-depreciable overhaul values.... 4796

- Notices**
Wearing Apparel Forwarders et al.; proposed approval of application..... 4838

COAST GUARD

- Rules and Regulations**
Anchorage regulations; Mississippi River below Baton Rouge, La., including South and Southwest Passes..... 4799

COMMERCE DEPARTMENT

See Foreign Direct Investments Office; Maritime Administration.

COMMODITY CREDIT CORPORATION

- Rules and Regulations**
Honey; price support regulations; availability, disbursement, and maturity of loans..... 4794

CONSUMER AND MARKETING SERVICE

- Rules and Regulations**
Milk in Delaware Valley marketing area; determination of equivalent factor used in computation of prices..... 4793
Oranges grown in Arizona and California; handling limitations:
Navel oranges..... 4792
Valencia oranges..... 4793
Proposed Rule Making
Federal Seed Act regulations..... 4807
Milk in St. Louis, Mo., Ozarks, and Fort Smith, Ark., marketing areas; recommended decision... 4808

- Notices**
Milk in Puget Sound, Wash., marketing area; referendum..... 4835

CUSTOMS BUREAU

- Rules and Regulations**
Free entry; gifts from members of U.S. Armed Forces in combat zones..... 4798

DELAWARE RIVER BASIN COMMISSION

- Notices**
Comprehensive Plan; public hearing..... 4838

FEDERAL AVIATION ADMINISTRATION

- Rules and Regulations**
Airworthiness directives:
Boeing-Vertol aircraft..... 4794
British Aircraft Corp. Model BAC 1-11 200 and 400 Series airplanes..... 4794
General Dynamics (Convair) aircraft..... 4795
Hawker Siddeley DH.125 Series airplanes..... 4795
Alterations:
Control zones and transition areas (2 documents)..... 4795
Transition areas (3 documents)..... 4796

- Proposed Rule Making**
Airworthiness directive; SIAI Marchetti airplanes..... 4831
Alterations:
Control zone and transition area..... 4831
Federal airway segments..... 4831
Designations; transition areas (3 documents)..... 4832
Redesignation and alteration; restricted areas and controlled airspace..... 4833

FEDERAL CROP INSURANCE CORPORATION

- Notices**
Barley and wheat in Montana; extension of closing date and time for filing of applications for 1968 crop year..... 4835

FEDERAL MARITIME COMMISSION

- Notices**
Agreements filed for approval:
Gulf/Mediterranean Ports Conference..... 4839
Gulf/Scandinavian and Baltic Sea Ports Conference..... 4840
Gulf/United Kingdom Conference..... 4839
Marina Mercante Nicaraguense, S.A., and Sea-Land Service, Inc..... 4840
Rederiaktiebolaget Ragne and And. Smith Rederiaktiebolag... 4840

FEDERAL POWER COMMISSION

- Notices**
Hearings, etc.:
Getty Oil Co. et al..... 4843
Pacific Gas and Electric Co..... 4849
U.S. Forest Service..... 4848

FISCAL SERVICE

- Rules and Regulations**
Offering of U.S. mortgage guaranty insurance company tax and loss bonds..... 4798

FISH AND WILDLIFE SERVICE

- Rules and Regulations**
Hunting; Necedah National Wildlife Refuge, Wis..... 4805
Sport fishing on certain national wildlife refuges:
Illinois and certain other States; Upper Mississippi River..... 4805
Michigan; Seney..... 4806
Oklahoma; Washita..... 4806
Tennessee; Cross Creeks; correction..... 4806

FOREIGN DIRECT INVESTMENTS OFFICE

- Notices**
Base period report (Canada); Form FDI-101..... 4836

FOREST SERVICE

- Rules and Regulations**
Grazing..... 4802

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Public Health Service.

(Continued on next page)

INDIAN AFFAIRS BUREAU**Proposed Rule Making**

Flathead Indian Irrigation Project, Mont.; operation and maintenance charges..... 4807

INTERIOR DEPARTMENT

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

INTERSTATE COMMERCE COMMISSION**Rules and Regulations**

Car service; Union Pacific Railroad Co. authorized to operate over trackage of Great Northern Railway Co..... 4805

Notices

Motor carrier, broker, water carrier, and freight forwarder applications..... 4848

Statements of changes in financial interests:

Lawrence, John V..... 4863
Wuerker, Alexander W..... 4864

LAND MANAGEMENT BUREAU**Notices**

California; partial termination of proposed withdrawal and reservation of lands..... 4834
Montana; opening of public lands..... 4834
Nevada; public sale..... 4834
Outer Continental Shelf off Texas; oil and gas lease sale; correction..... 4835
Redelegation of authority; Chief, Branch of Lands, et al..... 4834

MARITIME ADMINISTRATION**Notices**

U.S. Government-sponsored commodities; voyage charter rate guidelines..... 4835

PANAMA CANAL**Rules and Regulations**

Canal Zone postal service; miscellaneous amendments..... 4799

PUBLIC HEALTH SERVICE**Rules and Regulations**

Smoke inspection guides; design and test specifications..... 4804

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

Bangor Punta International Capital Co..... 4840
Continental Vending Machine Corp..... 4842
Cormac Chemical Corp..... 4842
Fastline, Inc..... 4842
North American Research & Development Corp..... 4842
Roto American Corp..... 4842
Westec Corp..... 4842

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau; Fiscal Service.

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

3 CFR**PROCLAMATION:**

3836..... 4785

7 CFR

723..... 4787
724..... 4787
775..... 4788
877..... 4788
907..... 4792
908..... 4793
1004..... 4793
1434..... 4794

PROPOSED RULES:

201..... 4807
1062..... 4808
1067..... 4808
1102..... 4808

14 CFR

39 (4 documents)..... 4794, 4795
71 (5 documents)..... 4795, 4796
241..... 4796

PROPOSED RULES:

39..... 4831
71 (6 documents)..... 4831-4833
73..... 4833

19 CFR

54..... 4798

25 CFR**PROPOSED RULES:**

221..... 4807

31 CFR

343..... 4798

33 CFR

110..... 4799

35 CFR

67..... 4799

36 CFR

231..... 4802

42 CFR

75..... 4804

49 CFR

1033..... 4805

50 CFR

32..... 4805

33 (4 documents)..... 4805, 4806

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3836

CANCER CONTROL MONTH, 1968

By the President of the United States of America

A Proclamation

This year, more than 900,000 Americans will be treated for cancer, and more than 300,000 will die.

Medical science will save 200,000 cancer patients in 1968. But another 100,000 persons, who might have been saved by earlier treatment using the skills we now possess, will be lost.

Cancer continues to be our second deadliest disease—and the affliction people fear more than any other.

Progress against so formidable an enemy has been slow, but significant. Our research has led to many encouraging achievements:

- The survival of many children with acute leukemia for periods of two to three years, and in some instances five or more years, gives us renewed hope that this terrifying disease can be conquered.
- More than 50 percent of patients treated with intensive doses of X-ray for localized Hodgkins disease have been cured.
- New techniques, involving the concentration of drugs in brain tumors, have stimulated the search for better drugs to treat these cancers.
- Malignant tumors of the eye have been cured in many patients by combined radiation, surgery, and drug treatment, without loss of useful vision.

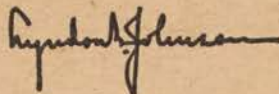
The incidence and death rates for cancer, however, continue to increase. We must redouble our support of the scientists, physicians, and health agencies who are battling this malignant public enemy.

To impress upon our people the urgency of the cancer problem, a joint resolution of Congress adopted March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

ACCORDINGLY, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the month of April 1968 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of March, in the year of our Lord nineteen hundred and sixty-eight and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 68-3504; Filed, Mar. 20, 1968; 10:10 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER (TYPE 41) TOBACCO

Subpart—Proclamation of Results of Cigar-Filler (Type 41) Tobacco Marketing Quota Referendum and Establishment of Procedure for Petitioning for Referendum

Basis and purpose. Section 723.2 is issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to (a) proclaim the results of the cigar-filler (type 41) tobacco marketing quota referendum for the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970, and (b) establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1968, or prior to November 10, 1969, respectively, to proclaim national marketing quotas for cigar-filler (type 41) tobacco for the next three respective succeeding marketing years. Under the provisions of the same section, the Secretary proclaimed a national marketing quota for cigar-filler (type 41) tobacco for the 1968-69, 1969-70, and 1970-71 marketing years and announced the amount of the national marketing quota for the 1968-69 marketing year (33 F.R. 2378). The Secretary announced (33 F.R. 2398) that a referendum would be held during the period February 19 to 23, 1968, each inclusive, to determine whether cigar-filler (type 41) tobacco farmers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970. Since the only purpose of this document is to proclaim the results of the referendum and to provide a petition procedure, it is hereby found and determined that with respect to this proclamation, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 723.2 Proclamation of results of cigar-filler (type 41) tobacco marketing quota referendum for the three-year period beginning October 1, 1968, October 1, 1969, October 1, 1970, and petition procedure.

(a) *Proclamation.* In a referendum held during the period of February 19 to 23, 1968, each inclusive, of farmers engaged in the production of the 1967 crop of cigar-filler (type 41) tobacco,

2,034 farmers voted. Of those voting, 388 or 19.1 percent, favored national marketing quotas for the three marketing years, 1968-69, 1969-70, and 1970-71; and 1,646, or 80.9 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler (type 41) tobacco of 50,800,000 pounds for the marketing year beginning October 1, 1968, proclaimed on January 30, 1968 (33 F.R. 2378) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1968, nor, as national marketing quotas have been disapproved in 3 successive years since 1952 (18 F.R. 8474; 19 F.R. 9365; 21 F.R. 667), for the marketing years beginning October 1, 1969, and October 1, 1970, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1968, or prior to November 10, 1969, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next 3 succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Petition procedure.* Any petition under paragraph (a) of said section 312 shall be in writing and submitted to the Secretary, or if mailed shall be post-marked, prior to November 10, 1968, in the case of a petition for marketing quotas for the marketing years 1969-70, 1970-71, and 1971-72, or prior to November 10, 1969, in the case of a petition for marketing quotas for the marketing years 1970-71, 1971-72, and 1972-73. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for cigar-filler (type 41) tobacco for the years stated in the petition, and the holding of a referendum; and shall show that such persons are farmers engaged in the production of the crop of cigar-filler (type 41) tobacco harvested in the calendar year preceding the first of the marketing years stated in the petition and constitute one-fourth or more of the farmers so engaged.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on March 15, 1968.

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

[F.R. Doc. 68-3443; Filed, Mar. 20, 1968; 8:49 a.m.]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamation of Results of Maryland Tobacco Marketing Quota Referendum and Establishment of Procedure for Petitioning for Referendum

Basis and purpose. Section 724.9 is issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to (a) proclaim the results of the Maryland tobacco marketing quota referendum for the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970, and (b) establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1968, or prior to November 10, 1969, respectively, to proclaim national marketing quotas for Maryland tobacco for the next three respective succeeding marketing years. Under the provisions of the same section, the Secretary proclaimed a national marketing quota for Maryland tobacco for the 1968-69, 1969-70, and 1970-71 marketing years and announced the amount of the national marketing quota for the 1968-69 marketing year (33 F.R. 2435). The Secretary announced (33 F.R. 2455) that a referendum would be held during the period February 19 to 23, 1968, each inclusive, to determine whether Maryland tobacco farmers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970. Since the only purpose of this document is to proclaim the results of the referendum and to provide a petition procedure, it is hereby found and determined that with respect to this proclamation, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 724.9 Proclamation of results of Maryland tobacco marketing quota referendum for the 3-year period beginning October 1, 1968, October 1, 1969, and October 1, 1970, and petition procedure.

(a) *Proclamation.* In a referendum held during the period of February 19 to 23, 1968, each inclusive, of farmers engaged in the production of the 1967 crop of Maryland tobacco, 5,882 farmers voted. Of those voting, 3,306, or 56.21 percent, favored national marketing quotas for the 3 marketing years, 1968-69, 1969-70, and 1970-71; and 2,576, or 43.79 percent, were opposed to quotas.

Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Maryland tobacco of 36.8 million pounds for the marketing year beginning October 1, 1968, proclaimed on January 30, 1968 (33 F.R. 2435), becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for the marketing year beginning October 1, 1968, nor, as this is the third consecutive disapproval of national marketing quotas since 1952 (31 F.R. 4580; 32 F.R. 4305), for the marketing years beginning October 1, 1969, and October 1, 1970, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1968, or prior to November 10, 1969, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next 3 succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Petition procedure.* Any petition under paragraph (a) of said section 312 shall be in writing and submitted to the Secretary, or if mailed shall be post-marked, prior to November 10, 1968, in the case of a petition for marketing quotas for the marketing years 1969-70, 1970-71, and 1971-72, or prior to November 10, 1969, in the case of a petition for marketing quotas for the marketing years 1970-71, 1971-72, and 1972-73. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for Maryland tobacco for the years stated in the petition, and the holding of a referendum; and shall show that such persons are farmers engaged in the production of the crop of Maryland tobacco harvested in the calendar year preceding the first of the marketing years stated in the petition and constitute one-fourth or more of the farmers so engaged.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on March 15, 1968.

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

[F.R. Doc. 68-3444; Filed, Mar. 20, 1968; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 11]

PART 775—FEED GRAINS

Subpart—1966 Through 1969 Feed Grain Program Regulations

COUNTY PROJECTED YIELDS AND COUNTY RATES

Section 775.427 of the regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, is further amended by making the following changes in the tabular material of paragraph (c):

1. Under Oklahoma, for Texas County, change the entry in the fourth figure column from "1.15" to "1.16".

2. Under Wisconsin:

(a) For Barron County, change the entry in the first figure column from "64.5" to "66.3".

(b) For Buffalo County, change the entry in the first figure column from "74.5" to "77.7".

(c) For Burnett County, change the entry in the first figure column from "56.8" to "58.2".

(d) For Chippewa County, change the entry in the first figure column from "65.0" to "66.5".

(e) For Dunn County, change the entry in the first figure column from "67.0" to "69.8".

(f) For Eau Claire County, change the entry in the first figure column from "69.6" to "70.6".

(g) For Jackson County, change the entry in the first figure column from "70.8" to "72.8".

(h) For Juneau County, change the entry in the first figure column from "67.2" to "68.6".

(i) For La Crosse County, change the entry in the first figure column from "82.3" to "83.9".

(j) For Monroe County, change the entry in the first figure column from "75.2" to "77.5".

(k) For Pepin County, change the entry in the first figure column from "73.6" to "78.2".

(l) For Pierce County, change the entry in the first figure column from "75.0" to "76.0".

(m) For Polk County, change the entry in the first figure column from "61.1" to "63.5".

(n) For Rusk County, change the entry in the first figure column from "59.3" to "60.3".

(o) For Trempealeau County, change the entry in the first figure column from "74.1" to "75.6".

(Sec. 16(1), 79 Stat. 1190, 16 U.S.C. 590p(1); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 15, 1968.

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

[F.R. Doc. 68-3445; Filed, Mar. 20, 1968; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 877.20]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices for 1967-68 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as

amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, P.R., on November 9, 1967, the following determination is hereby issued:

§ 877.20 Fair and reasonable prices for the 1967-68 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane, to which this section applies as provided in paragraph (g) of this section (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1967-68 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1968, through December 31, 1968, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(2) "Sugar yield period" means any period not exceeding 1 calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formulae set forth in Schedule A attached hereto and made a part hereof.

(5) "Inferior varieties of sugarcane" means sugarcane of the *Saccharum Spontaneum* or *Saccharum Sinense* variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops above the last formed joint, soil, stones, and all other extraneous material.

(8) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Post Office Box 8037, Fernandez Juncos Station, San Juan, P.R. 00910.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting 3½ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in sugar, delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill: *Provided*, That the processor shall bear any increase in marketing costs resulting from such agreement.

(5) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B, attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1967-68 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed

upon between the producer and the processor. If settlement with the producer is made in cash such settlement shall be based upon the average gross proceeds from the sales of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1967-68 crop molasses by the time he is required to submit to the Area office a statement as required by paragraph (f) (2) of this section, he shall make a provisional molasses payment to producers of not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1967-68 crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1967-68 crop molasses has been sold, based upon the average gross proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by paragraph (f) (2) of this section.

(d) *Determination of net sugarcane.*

(1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over 5 percent, and the same adjustment as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day, or in the

case of sugarcane handled in bulk during the same sugar yield period, which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken. The determination of net sugarcane shall not be made where a core sampler is used.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor shall make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered which is represented by the sample for each 1 percent, fractions in proportion, by which the weight of soil and stones is in excess of 1 percent of the gross weight of the sample.

(3) The processor may charge the producer 66 percent of the actual cost, but not to exceed \$2.64, for each sample taken for trash including soil and stones to cover the cost of sampling and measuring the actual quantity of trash.

(e) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1968, and shall bear the costs thereof.

(2) Allowances made to producers by the processor for the 1966-67 crop shall be made for the 1967-68 crop at the rates which were effective under comparable conditions in 1966-67; the costs of services which were borne by the processor for the 1966-67 crop shall be borne for the 1967-68 crop: *Provided*, That the processor shall not be required to bear the cost of ocean transportation of sugarcane: *And provided further*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(f) *Reporting requirements.* (1) The processor shall submit to the Area office a statement as to whether settlement with producers are made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(2) If the processor makes settlement in cash he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1969, except that if the Director of the Area office determines that the failure to submit such statement by such date

was unintentional, an extension of time may be granted by the Area office.

(g) *Applicability.* The requirements of this section are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 893.1 of this chapter); and to sugarcane purchased by a cooperative processor from nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

(h) *Procedures for checking compliance.* The procedures to be followed by the ASCS Caribbean Area office in checking compliance with the requirements of this section are set forth under the heading Part 8—"Fair Price Determination" in Handbook 5-SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 5-SU may be inspected and copies obtained from the ASCS Caribbean Area Office, Post Office Box 8037, Fernandez Juncos Station, San Juan, P.R. 00910.

(i) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1967-68 crop by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1967-68 price determination.* This determination continues the provisions of the prior determination except for the inclusion of provisions for the handling and sampling of deliveries of sugarcane to the processor in bulk, rather than in chained bundles; and the interpretation, clarification, and explanation of certain other provisions of the determination.

A public hearing was held in San Juan, P.R., on November 9, 1967, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1967-68 crop of sugarcane. A representative of the Puerto Rico Sugar Producers Association recommended that the provisions of the determination continue unchanged except that provision be made for the evaluation of sugarcane delivered to the processor in bulk. The witness stated at least two mills and possibly more would receive sugarcane in bulk

during the 1967-68 crop, and that a system of random sampling of grower's sugarcane deliveries would be developed rather than sampling every delivery of sugarcane. He stated this would reduce the costs of handling and determining sugar yields for both producers and processors. The witness submitted information describing the critical financial situation of the sugar industry in Puerto Rico and gave a detailed account of the factors which have contributed to the decline in production and efficiency of the industry during recent years. The witness pointed out that two and possibly four sugar mills which operated during the 1966-67 crop would not operate during the 1967-68 crop. He stated that the legislature of the Commonwealth of Puerto Rico had enacted legislation under which \$4,350,000 of Commonwealth funds would be used to help restore the economic health of the industry.

Representatives of the Puerto Rico Farm Bureau concurred generally with the recommendations of the Puerto Rico Sugar Producers Association. The witnesses pointed out, however, that there would be additional costs to producers in converting their hauling equipment to handle sugarcane in bulk, and that transportation costs might increase. The witnesses also stated that producers should be compensated for receiving a share in any savings which might accrue to the mills through the handling of cane in bulk.

A representative of the Sugar Board of Puerto Rico recommended that the 1967-68 fair price determination provide for the bulk handling of sugarcane. The witness pointed out that the Sugar Board will supervise closely the proper sampling of the producer's cane to be sure that growers receive the proper share of the sugar recovered from their cane. The witness testified that the Sugar Board had issued, and the Governor of Puerto Rico approved, Rule No. 14 pursuant to the sugar law of Puerto Rico. This rule provides the necessary flexibility in the Sugar Board's regulations to permit the sampling of the deliveries of sugarcane by producers in bulk during a settlement period.

A representative of the Agricultural Experiment Station of the University of Puerto Rico testified regarding studies which were conducted at three sugar mills during the 1966-67 crop regarding sampling procedures where bulk sugarcane was delivered. He stated that his studies showed that the sampling formula involved was accurate to within one-half of 1 percent of what the yield of raw sugar would have been had all sugarcane been tested. The witness pointed out that with respect to small growers all deliveries of cane would be sampled. He further pointed that it would be necessary to establish different sampling ratios at different mills depending upon the various factors involved.

A witness representing the Commonwealth Department of Agriculture explained the purpose and function of the legislation enacted by the local legisla-

ture to provide a program of incentive and improvement for the sugar industry. The witness stated that the largest portion of the \$4,350,000 program was for the payment of incentives to sugarcane farmers on new plantings and the carrying out of efficient farming practices, and that the balance of the sum was to provide machinery and equipment services at reasonable cost; studies of adaptations of machinery and equipment to the sugarcane areas of Puerto Rico; development of new techniques in the harvesting of sugarcane; studies to develop new standards in the payment of incentives for cutting sugarcane; studies of production costs of sugar and the participation by producers in the total proceeds of sugar and other cane products; and that \$500,000 of the sum was set aside to study and carry out improvements by the sugar mills to increase the recovery of sugar. The witness stated that this initial appropriation would not be adequate to get the industry on a sound economic basis and that additional appropriations would be needed in succeeding years.

Consideration has been given to the recommendations made at the public hearings; to data on the returns, costs, and profits of producing and processing sugarcane obtained by field surveys for recent crops and recast in terms of price and production conditions likely to prevail for the 1967-68 crop; and to other pertinent information. Analysis of these data indicates that on average both producing and processing of sugarcane continue to be unprofitable. Estimates of sugar production for the 1967-68 crop are the lowest of record for the past 25 years. This is due in large part to the carryover effects of the severe drought in the 1966-67 growing season; to the closing of four sugar mills for the 1967-68 crop; and the continued low recovery of sugar from sugarcane. Evidence indicates that productivity gains, particularly in the production of sugarcane, have not kept pace with those of other domestic areas. Wage rates for workers on farms and in the sugar mills are expected to be somewhat higher than for the prior crop. A change in the sharing relationship between producers and processors is not indicated since it would only increase the losses of one group and in the long term would be harmful to the industry as a whole. The action of the legislature of the Commonwealth of Puerto Rico to appropriate several millions of dollars to provide incentives to farmers in the planting and cultivation of the crop; to conduct needed studies for improvements in handling the crop; and to assist mills in finding means to increase sugar recoveries is commendable. The deteriorating economic condition of the industry can be reversed only through increasing productivity by improving producing, harvesting, hauling, and milling operations.

This determination adopts the recommendation of all segments of the industry and of the representatives of the Commonwealth of Puerto Rico by providing for procedures in the handling and

sampling of bulk sugarcane. It is believed that the bulk handling of sugarcane will reduce costs and permit more efficient milling of fresher sugarcane. The methods of sampling and testing producer's cane by each processor are subject to the approval of the ASCS Caribbean Area Office.

Other changes which have been made in this determination affecting the determination of net sugarcane and sugar yields of producer's sugarcane are designed to conform as nearly as possible to the regulations of the Sugar Board of Puerto Rico and avoid insofar as practicable conflicts between regulations of that Board and the requirements of this determination.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Supp. 1131, as amended)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942)

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER, and is applicable to the 1967-68 crop of Puerto Rican sugarcane.

Signed at Washington, D.C., on March 15, 1968.

ORVILLE L. FREEMAN,
Secretary.

SCHEDULE A—FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R = TI(S - 0.3B)F$$

Where:
 R = Yield of raw sugar, 96° basis;
 S = Polarization of the crusher juice obtained from the sugarcane of each producer;
 B = Brix of the crusher juice obtained from the sugarcane of each producer;
 T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent: *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where $P = 100S \div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, I = 0.9; or

(b) When the purity, P (where $P = 100S \div B$), of the crusher juice of such sugarcane is less than 75, the factor, I = 0.9 - 0.02(75 - P);

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S - 0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute crusher juice of such sugarcane shall be converted to an undiluted crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\text{Brix DCF} = \frac{\text{Brix of undiluted crusher juice sample}}{\text{Brix of diluted crusher juice sample}}$$

$$\text{Pol DCF} = \frac{\text{Pol of undiluted crusher juice sample}}{\text{Pol of diluted crusher juice sample}}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(B) Where the "Core Sampler" method of sampling sugarcane delivered by producers is used the formula for determining the yield of raw sugar shall be:

$$R = F[S - 0.3(B + 0.1f_c)]$$

where:

- R = 96° Yield % Cane
- S = Pol % Cane
- B = Brix % Cane
- f_c = Fiber % Cane

F = Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F = \frac{R}{S - 0.3(B + 0.1f_c)}$$

Whenever the core sampler is used jointly with any system of cane washing, during any settlement period, the mill is required to wash all the cane ground during such settlement period, and whenever the core sampler is used no determinations for extraneous matter nor adjustments in the cane weight and yield shall be made.

A written description of core sampling procedures to be used shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under either (A) or (B) above. A written description of the sampling procedure to be used shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(D) Where sugarcane is handled in bulk, the procedures for sampling the deliveries of sugarcane by a producer shall be representative of all the deliveries of sugarcane of such producer. A written description of the sampling procedure shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(E) The sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined by applying either formula (A) or (B) prescribed by this Schedule A to the sugarcane of each barge load without segregating the cane of each producer; and the producer's share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to

the total weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the differences in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

SCHEDULE B—ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses in connection with the payment for sugarcane provided in paragraph (b) of the 1967-68 price determination are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

- (1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;
- (2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;
- (3) Ocean freight;
- (4) Unloading at destination;
- (5) Freight demurrage resulting from causes beyond the control of the shipper; and
- (6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses:
 - (i) Reclaiming, weighing, and loading at mill or where stored;
 - (ii) Shore risk, marine and war risk insurance;
 - (iii) Brokerage or commission and exchange;
 - (iv) Weighing, testing, and sampling at destination;
 - (v) All other expenses not itemized herein.

When any of the necessary services included in items (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

- (1) Direct and immediate supervisory labor;
- (2) Maintenance labor and supplies required for the facilities used;
- (3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property, taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers less than 33 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall not exceed the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1967-68 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners.

(2) If the processor delivers 33 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The statement as required by paragraph (f) (2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed on the books of Central _____ as of _____, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1967-68 crop of Puerto Rican sugarcane.

SCHEDULE C—ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1967-68 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

- (1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
- (2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;
- (3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
- (4) Weighing and testing;
- (5) Wharfage, including charges arising from utilization of waterfront facilities such

as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker. When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (f) (2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed on the books of Central _____ as of _____, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1967-68 crop of Puerto Rican sugarcane.

[F.R. Doc. 68-8427; Filed, Mar. 20, 1968; 8:48 a.m.]

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

[Navel Orange Reg. 153]

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

Limitation of Handling

§ 907.453 Navel Orange Regulation 153.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1968.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 22, 1968, through March 28, 1968, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 250,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

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

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

Dated: March 20, 1968.

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

[F.R. Doc. 68-3540; Filed, Mar. 20, 1968;
11:22 a.m.]

[Valencia Orange Reg. 231]

**PART 908—VALENCIA ORANGES
GROWN IN ARIZONA AND DESIG-
NATED PART OF CALIFORNIA**

Limitation of Handling

**§ 908.531 Valencia Orange Regulation
231.**

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective

time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1968.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 22, 1968, through March 28, 1968, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 250,000 cartons.

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

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

Dated: March 20, 1968.

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

[F.R. Doc. 68-3541; Filed, Mar. 20, 1968;
11:22 a.m.]

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

**PART 1004—MILK IN DELAWARE
VALLEY MARKETING AREA**

**Determination of Equivalent Factor To
Be Used In Computation of Prices
For Class I Milk**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provisions of the order, as amended, regulating the handling of milk in the Delaware Valley milk marketing area (7 CFR Part 900) it is hereby found and determined that:

(1) One of the factors specified in the order to be used in the computation of the Class I price is the index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed as published by the Pennsylvania Federal-State Crop Reporting Service.

The index is computed by dividing the price as reported by the factor 0.03896 which reflects the average prices per hundredweight of such feed in bag lots during the base period 1957-58. Feed is now purchased primarily in bulk lots and the Federal-State Crop Reporting Service has now revised this procedure and reports a price which reflects a composite of bag and bulk prices reflecting the relative proportion of bag and bulk purchases. The factor 0.03896 is, therefore, no longer appropriate.

(2) The order provides: "If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified."

(3) The Federal-State Crop Reporting Service has revised the prices that have been reported in the recent past to conform with the new reporting method now being used. Thus, comparable reported feed prices under both reporting methods are available for developing the equivalent feed index factor.

Under the previous method the reported prices divided by 0.03896 resulted in an index of 111.7 for each of the 3 months used in the pricing formula for the first quarter of 1968. In order to arrive at the same 111.7 if the revised feed prices are used, a factor of 0.03627 is required. That is, using a factor of 0.03627 and the revised prices reported per ton, adjusted to a per hundredweight basis by dividing by 20, the index for the same 3 months would have been 111.7. Thus, the factor of 0.03627 is currently comparable to the stated factor of 0.03896.

(4) It is hereby determined that a factor of 0.03627 is now equivalent to the heretofore used factor of 0.03896 as it applies in § 1004.50(a)(1)(ii).

(5) Notice of proposed rule making, public procedure thereon and 30 days notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The order requires that the market administrator announce the computed Class I price on or before the 15th day of the month preceding the start of each calendar quarter. The next price announcement is due by March 15, and will apply during the period of April through June 1968.

(b) This determination is necessary to correct the dairy ration factor to conform with the revised dairy ration prices reported by the Pennsylvania Federal-State Crop Reporting Service and insure an appropriate Class I price level for the period beginning April 1, 1968, and for each consecutive announcement period thereafter until the order is amended to provide otherwise.

(c) This determination does not require persons affected substantial or extensive preparation prior to the effective date.

(d) This action is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore good cause exists for making this determination effective on issuance.

Effective date: Upon date of issuance.

Signed at Washington, D.C., on March 15, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68-3428; Filed, Mar. 20, 1968;
8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Honey Price Support Regs. for 1966 and Subsequent Crops, Amdt. 3]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

AVAILABILITY, DISBURSEMENT AND MATURITY OF LOANS

The regulations issued by the Commodity Credit Corporation, published in 31 F.R. 6257 and setting forth the requirements with respect to price support for the 1966 and each subsequent crop of extracted honey for which a price support program is authorized are hereby amended as follows:

Paragraph (b) of § 1434.90 is amended to extend the maturity date on 1967 crop honey loans to April 30, 1968, at the producer's option when requested in writing on or before the original maturity date and reads as follows:

§ 1434.90 Availability, disbursement and maturity of loans.

(b) *Availability and maturity dates.* Loans shall be available through the last day of February of the year following the year in which the honey was produced and extracted. Unless demand is made earlier, loans shall mature on the following March 31, except loans on 1967-crop honey shall mature on April 30, 1968, when such later maturity date has been requested in writing at the ASCS county office where the loan was obtained, on or before the original maturity date. When the final dates of availability or the maturity date falls on a nonworkday for ASCS county offices, the applicable date or dates shall be extended to include the next workday.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 15, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-3446; Filed, Mar. 20, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-EA-24; Amdt. 39-563]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing—Vertol Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring a repetitive inspection and replacement when necessary on Boeing Vertol Helicopter Types 42A, 42B, 44A, 44B, and H-21 (military).

There has been a report of a failure of the transmission drive shaft adapter on the aforementioned type helicopters which resulted in desynchronization of the main rotors and loss of rotor lift. Since this condition is likely to exist or develop in other helicopters of the same type design an airworthiness directive is being issued to require a dye penetrant inspection and replacement when necessary followed thereafter by visual inspections until the part has been replaced by an improved adapter.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING-VERTOL. Applies to Helicopter Types 42A, 42B, 44A, 44B and Military H-21 series certificated under Part 21 (CAR Part 8 or 9).

Compliance required as indicated.

As a result of fatigue failures of the attaching lugs on transmission drive shaft flex coupling adapter P/N 22D3047-1, accomplish the following:

(1) Unless already accomplished on helicopters which incorporate P/N 22D3047-1 adapters on transmission drive shaft assemblies (P/N 22D3046, 22D3057, 22D3066, or 22D3172) remove the shaft assembly from the helicopter within 15 hours' time in service after the effective date of this AD and strip all paint from the exposed portion of the adapter. Particular attention should be given to removal of all paint on both sides of the adapter lugs including the fillet area around the bosses where the adapter mates with the Thomas coupling plates. Do not allow paint remover to seep into the riveted joint. Perform a dye penetrant inspection of the exposed portion of the adapter and inspect for crack indications, paying particular attention to both sides of the adapter lugs and fillet areas. Any adapter with crack indications must be removed from service.

(2) Any P/N 22D3047-1 new or used adapter re-installed in the helicopter after completing the above dye penetrant inspection must be inspected using a 10-power magnifying glass within 10 hours' time in service and every 10 hours thereafter until an improved type adapter P/N 22D3047-3 is installed.

Upon installation of the -3 adapter, the above paragraphs 1 and 2 inspections are no longer required.

(Vertol Telex Communication No. 8-2300-2-59 dated Jan. 17, 1968, covers this subject.)

This amendment is effective March 21, 1968.

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

Issued in Jamaica, N.Y., on March 12, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3408; Filed, Mar. 20, 1968; 8:46 a.m.]

[Docket No. 8775; Amdt. 39-567]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corps Model BAC 1-11 200 and 400 Series Airplanes

There have been instances of loose connections at the static inverter that have resulted in intermittent or fluctuating A.C. output to the stickpush system on British Aircraft Corporation Model BAC 1-11 200 and 400 Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued to require installation of "P" clips to the static inverter panel on BAC 1-11 200 and 400 Series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Within the next 300 hours' time in service after the effective date of this AD, unless already accomplished, install "P" clips, P/N VGS 6750-2, to the static inverter panel, in accordance with British Aircraft Corp. BAC 1-11 Service Bulletin No. 34-PM 2709, Revision 1, or later ARB-approved issue, or an FAA-approved equivalent.

This amendment becomes effective March 26, 1968.

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

Issued in Washington, D.C., on March 12, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-3409; Filed, Mar. 20, 1968; 8:46 a.m.]

[Docket No. 68-EA-27; Amdt. 39-564]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics (Convair) Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring the placarding of the seats at fuselage stations 1344 on the Type 30A airplane incorporating STC SA414EA-D.

A review of STC design data submitted by American Airlines established that the seat support structure installed by STC SA414EA-D did not meet the criteria for withstanding inertia loads specified for the General Dynamics Type 30A airplane. Since this condition exists in many airplanes of the same type design an airworthiness directive is being issued to require placarding of the seats involved against occupation by passengers.

Since an unsafe condition can arise, a situation exists that requires immediate adoption of this regulation and therefore notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL DYNAMICS (CONVAIR). Applies to General Dynamics (Convair) Type 30A incorporating Supplemental Type Certificate SA414EA-D.

Compliance required as indicated:

(a) Upon arrival at the next stop, install a placard on each of the three right hand row seats at fuselage station 1344 (row 28 on American Airlines' Drawing No. FCA-2047 Rev. D) stating, "Do Not Occupy".

(b) The placard required by part (a) may be removed by incorporating an approved modification strengthening the seat support structure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

This amendment is effective March 22, 1968.

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

Issued in Jamaica, N.Y., on March 12, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3410; Filed, Mar. 20, 1968; 8:46 a.m.]

[Docket No. 8657; Amdt. 39-566]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley DH.125 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the flap center hinge bolt with a self-retaining bolt on Hawker Siddeley DH.125 Series airplanes was published in 33 F.R. 576.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Model DH.125 airplanes, Series 1A, 1A/522 and 3A.

Compliance required as indicated.

To prevent a fully asymmetric flap condition in the lift dump position, within the next 150 hours' time in service after the effective date of this AD, replace the flap center hinge bolt, P/Ns 25CF71, 25CF1837, 25CF2387, and 25CF2357, with a self-retaining bolt, P/N 3110-7681, in accordance with Hawker Siddeley Service Bulletin 27-49- (1894) Revision 2, dated November 27, 1967, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective April 20, 1968.

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

Issued in Washington, D.C., on March 13, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-3411; Filed, Mar 20, 1968; 8:46 a.m.]

[Airspace Docket 68-EA-11]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bradford, Pa., control zone and transition area.

The Bradford-McKean County Airport, Bradford, Pa., name has been changed and will require an editorial change in the description of the control zone, and transition area.

Since the regulation is editorial and does not place additional burden on any person, notice and public procedure hereon are unnecessary and the regulation may be made effective in less than 30 days.

In view of the foregoing, the regulation is hereby adopted and becomes effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Bradford, Pa., control zone the words "Bradford-McKean County Airport" and insert in lieu thereof "Bradford Regional Airport".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Bradford, Pa., transition area the words "Bradford-McKean County Airport" and insert in lieu thereof "Bradford Regional Airport".

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

Issued in Jamaica, N.Y., on March 7, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3412; Filed, Mar. 20, 1968; 8:47 a.m.]

[Airspace Docket 68-EA-15]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Erie, Pa., control zone and transition area.

The Port Erie Airport, Erie, Pa., name has been changed and will require an editorial change in the description of the control zone and transition area.

Since the regulation is editorial and does not place additional burden on any person, notice and public procedure hereon are unnecessary and the regulation may be made effective in less than 30 days.

In view of the foregoing, the regulation is hereby adopted and becomes effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Erie, Pa., control zone the words "Port Erie Airport" and insert in lieu thereof "Erie International Airport".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Erie, Pa., transition area the words "Port Erie Airport" and insert in lieu thereof "Erie International Airport".

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

Issued in Jamaica, N.Y., on March 7, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3413; Filed, Mar. 20, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-162]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

On pages 22 and 23 of the FEDERAL REGISTER dated January 3, 1968, the Federal Aviation Administration published a 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 Cedar Rapids, Iowa.

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., May 23, 1968.

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

Issued in Kansas City, Mo., on February 28, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), 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 8 miles north and 6 miles south of the Cedar Rapids VORTAC 089° and 269° 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 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 northwest along the northeast edge of V-52; to and north along longitude 92°53'00" W.; to and northeast along the southeast edge of V-161; to and east along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC; to and southeast along the southwest edge of V-67; to and east along latitude 42°05'00" N.; to the point of beginning, excluding the area which overlies the Ottumwa, Iowa, transition area.

[F.R. Doc. 68-3414; Filed, Mar. 20, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-164]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

On pages 469 and 470 of the FEDERAL REGISTER dated January 12, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Minneapolis, Minn., and Eau Claire, Wis.

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 following change: The Minneapolis-St. Paul International Airport coordinates recited in the Minneapolis, Minn., transition area alteration as "latitude 44°53'10" N., longitude 93°13'10" W." are changed to read "latitude 44°53'05" N., longitude 93°13'15" W."

This amendment shall be effective 0001 e.s.t., May 23, 1968.

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

Issued in Kansas City, Mo., on March 5, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition areas are amended to read:

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.): within 5 miles north and 8 miles south of the Flying Cloud, Minn., VOR 292° radial, extending from the 23-mile radius area to 12 miles west of the VOR; within 5 miles each side of the St. Paul, Minn., VOR 037° radial, extending from the 23-mile radius area to 13 miles northeast of the VOR; and within a 6-mile radius of Air-lake Industrial Airpark (latitude 44°37'40" N., longitude 93°13'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile radius area; and that airspace northwest of Minneapolis bounded on the southwest by V-171, on the west by the Darwin, Minn., VORTAC 021° radial, on the northeast by V-2 and on the southeast by the 36-mile radius area excluding the portion which overlies the Darwin, Minn., transition area; and that airspace extending upward from 4,000 feet MSL northwest of Minneapolis bounded on the northeast by V-2, on the southeast by the Darwin VORTAC 021° radial and on the west by V-171; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24.

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); and within 2 miles each side of the Eau Claire VORTAC 011° radial, extending from the 9-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 274° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles west of the airport; within the arc of a 14-mile radius circle centered on the Eau Claire VORTAC, extending from the Eau Claire VORTAC 258° radial clockwise to the Eau Claire VORTAC 091° radial; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-26S.

[F.R. Doc. 68-3415; Filed, Mar. 20, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-166]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

On page 470 of the FEDERAL REGISTER dated January 12, 1968, the Federal Aviation Administration published a 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 Waterloo, Iowa.

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., May 23, 1968.

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

Issued in Kansas City, Mo., on March 5, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

WATERLOO, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2 miles each side of the Waterloo ILS localizer northwest course, extending from the 7-mile radius area to 10 miles northwest of the OM; within 5 miles west and 8 miles east of the Waterloo VORTAC 200° radial, extending from the VORTAC to 12 miles south of the VORTAC; and within the arc of a 16-mile radius circle centered on the Waterloo VORTAC, extending clockwise from the Waterloo VORTAC 353° radial to the Waterloo VORTAC 134° radial; that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Waterloo VORTAC; extending clockwise from a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial to a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial; and that airspace extending upward from 3,500 feet MSL bounded on the southeast by V-161W, on the west by V-13E, on the north by V-100 and on the east by the arc of a 29-mile radius circle centered on the Waterloo VORTAC.

[F.R. Doc. 68-3416; Filed, Mar. 20, 1968; 8:47 a.m.]

Chapter II—Civil Aeronautics Board**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-530, Amdt. 19]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS**Identification of Nondepreciable Overhaul Values on Schedule B-43**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., 18th day of March 1968.

The Board by publication in 32 F.R. 20880 and circulation of EDR-132, dated December 22, 1967, gave notice that it had under consideration a proposed amendment to Part 241 of the economic regulations which would provide for identification of nondepreciable overhaul values on Schedule B-43, Inventory of Airframes and Aircraft Engines. The proposal was designed to provide a uniform method of reporting such nondepreciable overhaul values by those carriers which excluded these sums from the depreciable cost of airframes and engines.

Joint comments were filed by 17 air carriers through the Air Transport Association (ATA), and by American Airlines, Inc. The carriers unanimously oppose a separate column for reporting nondepreciable overhaul values on the ground that the overhaul concept is rapidly becoming obsolete with the conversion to turbine aircraft, which do not require the costly out-of-service overhaul traditional with piston aircraft. The carriers suggest that the column for reporting residual values specifically include any nondepreciated overhaul values, and thereby provide a uniform method of reporting for those carriers still using the overhaul concept.

We find that this alternative reporting method will accomplish the Board's objective, and have modified the instructions and schedule accordingly. The amendment was proposed to be effective December 31, 1967, in order that this annual schedule would contain the desired information for calendar year 1967. No objections were raised on this point.

In view of the foregoing, the Board hereby amends Part 241 of the economic regulations (14 CFR Part 241), effective December 31, 1967, as follows:

1. Amend section 23 by revising the instructions for Schedule B-43 to read as follows:

SCHEDULE B-43—INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES

(a) This schedule shall be filed by all route air carriers.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Data pertaining to aircraft engines shall be reported on a group basis by type of engine and by type of aircraft to which related.

(d) Data in this schedule shall be grouped and subtotaled as between data pertaining to airframes and data pertaining to aircraft engines. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(e) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. Data pertaining to rented airframes and aircraft engines

shall be listed in columns 1 through 7 and in column 13; the cost of improvements thereto shall be listed in columns 8 through 12.

(f) Column 8, "Cost" shall agree in totals for owned and operating airframes and aircraft engines, respectively, with corresponding amounts reflected in accounts 1601 and 1602 in column 7 of Schedule B-5 as at December 31 of the reporting year.

(g) Column 9, "Reserve for Depreciation" shall include the accumulations of all provisions for losses due to use and obsolescence as recorded in balance sheet accounts 1611 Reserve for Depreciation—Airframes and 1612 Reserve for Depreciation—Aircraft Engines.

(h) Column 10, "Depreciated Cost" shall reflect Cost (column 8) less Reserve for Depreciation (column 9).

(i) Column 11, "Estimated Residual Value" shall reflect in dollars the residual value assigned to airframes and aircraft engines respectively, including any overhaul value not subject to depreciation.

(j) Column 12, "Estimated Depreciable Life (Months)" shall reflect the estimated depreciable life of each airframe and each group of aircraft engines.

(k) Column 13, "Flight Equipment Airworthiness Reserves or Maintenance Liability" shall include amounts accumulated for owned airframes and aircraft engines in account 1629 Flight Equipment Airworthiness Reserves and amounts accumulated for leased airframes and aircraft engines in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities.

(l) Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13.

2. Amend section 33 by revising the instructions for Schedule B-43 to read as follows:

SCHEDULE B-43—INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES

(a) This schedule shall be filed by each supplemental air carrier.

(b) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Data pertaining to aircraft engines shall be reported on a group basis by type of engine and by type of aircraft to which related.

(c) Data in this schedule shall be grouped and subtotaled as between data pertaining to airframes and data pertaining to aircraft engines. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(d) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 13; the cost of improvements thereto shall be listed in columns 8 through 12.

(e) Column 8, "Cost" shall agree in totals for owned and operating airframes and aircraft engines, respectively, with corresponding amounts reflected in accounts 1601 and 1602 in column 7 of schedule B-5 as at December 31 of the reporting year.

(f) Column 9, "Reserve for Depreciation" shall include the accumulations of all provisions for losses due to use and obsolescence as recorded in balance sheet accounts 1611 Reserve for Depreciation—Airframes and 1612 Reserve for Depreciation—Aircraft Engines.

(g) Column 10, "Depreciated Cost" shall reflect Cost (column 8) less Reserve for Depreciation (column 9).

(h) Column 11, "Estimated Residual Value" shall reflect in dollars the residual value assigned to airframes and aircraft engines respectively, including any overhaul value not subject to depreciation.

(i) Column 12, "Estimated Depreciable Life (Months)" shall reflect the estimated depreciable life of each airframe and each group of aircraft engines.

(j) Column 13, "Flight Equipment Airworthiness Reserves or Maintenance Liability" shall include amounts accumulated for owned airframes and aircraft engines in account 1629 Flight Equipment Airworthiness Reserves and amounts accumulated for leased airframes and aircraft engines in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities.

(k) Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13.

3. Amend Schedule B-43—Inventory of Airframes and Aircraft Engines, of CAB Form 41, by revising the heading of column (11) to read "Estimated Residual Value, Including Any Overhaul Value Not Depreciated", as shown in the exhibit attached hereto and incorporated herein.¹

(Secs. 204(a), 407(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3441; Filed, Mar. 20, 1968; 8:49 a.m.]

¹ Form filed as part of the original document.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-86]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

Free Entry of Gifts From Members of U.S. Armed Forces in Combat Zones

Section 1, Public Law 90-240, approved January 2, 1968, effective January 1, 1968, amended item 915.25 (relating to bona fide gifts, not exceeding \$50 in retail value, from members of the Armed Forces serving in combat zones) of the Tariff Schedules of the United States (19 U.S.C. 1202) by the providing a new effective period "On or before 12/31/69" and amended the headnotes for part 1, subpart B of the appendix to such Schedules by adding at the end thereof the headnote, "2. Articles exempted under item 915.25 from the payment of duty shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation."

To conform to the changes in the law made by Public Law 90-240 and to make certain required technical changes, the Customs Regulations are amended as follows:

Section 54.3 is amended by inserting "and internal revenue tax" after "duty" where it appears in paragraphs (a), (a) (1), and (d).

Footnote 1 appended to § 54.3(a) is amended by substituting "12/31/69" for "12/31/67" therein.

(77A Stat. 434, as amended, sec. 498, 56 Stat. 728, as amended; 19 U.S.C. 1202 (item 915.25), 1498)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 8, 1968.

FRED B. SMITH,
General Counsel
of the Treasury.

[F.R. Doc. 68-3434; Filed, Mar. 20, 1968;
8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Depart- ment of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 343—OFFERING OF UNITED STATES MORTGAGE GUARANTY INSURANCE COMPANY TAX AND LOSS BONDS

The regulations in Treasury Department Circular, Public Debt Series No. 3-68 (31 CFR Part 343), set forth below, are issued under the authority of the Revised Statutes, section 161 (5 U.S.C. 22), the Second Liberty Bond Act, as amended, section 26, 81 Stat. 778, and the Internal Revenue Code of 1954, section 832(e), 81 Stat. 777.

This offer of United States Mortgage Guaranty Insurance Company Tax and Loss Bonds relates to the fiscal policy of the United States and notice and public procedures thereon are unnecessary.

The regulations were adopted on March 18, 1968.

Dated: March 18, 1968.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

- Sec.
343.0 Offering of bonds.
343.1 Description of bonds.
343.2 Purchase.
343.3 Redemption.
343.4 Taxation.
343.5 Reissue.
343.6 General provisions.

AUTHORITY: The provisions of this Part 343 issued under Revised Statutes, sec. 161 (5 U.S.C. 22); Second Liberty Bond Act, as amended, sec. 26, 81 Stat. 778; Internal Revenue Code of 1954, sec. 832(e), 81 Stat. 777.

§ 343.0 Offering of bonds.

The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, and pursuant to section 832(e) of the Internal Revenue Code of 1954, offers for sale to, and only to, companies organized and engaged in the business of writing mortgage guaranty insurance within the United States, bonds of the United States designated as Mortgage Guaranty Insurance Company Tax and Loss Bonds, hereinafter referred to as "tax and loss bonds." This offering will continue until terminated by the Secretary of the Treasury.

§ 343.1 Description of bonds.

(a) *General.* Tax and loss bonds will be issued in registered form only and in the exact amount paid by the purchaser. The bonds will not earn interest and may not be transferred by sale, exchange, assignment, pledge or otherwise. They may be reissued as provided in § 343.5.

(b) *Term.* Tax and loss bonds will mature 10 years from their issue date and will not be subject to call for redemption prior to maturity.

(c) *Dating.* Tax and loss bonds will be issued as of the date of receipt of an application for issue and remittance by the Office of the Treasurer of the United States or a Federal Reserve Bank or Branch, except that all bonds purchased during the month of March 1968 will be dated March 15, 1968. An application received from a commercial bank for a customer will be treated as though received on the date shown on its postmark, if the purchase price is transmitted by credit to its Treasury Tax and Loan Account and the Certificate of Advice is dated on or prior to that date.

§ 343.2 Purchase.

(a) Tax and loss bonds may be purchased over the counter or by mail from the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, or the Federal Reserve Banks and Branches, which will furnish application forms for the purchase of such bonds upon request. An application

properly completed and accompanied by a remittance for the full amount of the bond applied for must be received by the Office of the Treasurer or a Federal Reserve Bank or Branch before a bond will be issued. Any form of exchange will be accepted subject to collection.

(b) Banking institutions, generally, may submit applications for customers, but only the Federal Reserve Banks and Branches and the Office of the Treasurer are authorized to act as official agencies. Remittance of the purchase price may be made through credit to Treasury Tax and Loan Accounts.

§ 343.3 Redemption.

Tax and loss bonds may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed in whole or in part at the owner's option at any time after 3 months from issue date. To obtain redemption, a bond with the assignment for redemption properly completed and executed must be presented to the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C. 20226. Payment will be made in accordance with the instruction in the assignment for redemption. The District Director of the Internal Revenue District in which the owner's principal place of business is located will be furnished a copy of the redemption advice. Upon partial redemption of a bond, the remainder will be reissued as of the original issue date.

§ 343.4 Taxation.

Tax and loss bonds will be exempt from all taxation now or hereafter imposed on the principal by any state or any possession of the United States or of any local taxing authority.

§ 343.5 Reissue.

(a) *General.* Reissue of a bond may be made only under the conditions specified in the regulations in this part. A request for reissue must be made by an officer of the owner authorized to assign the bond for redemption. An appropriate form may be obtained from the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C. 20226. A reissued bond, upon reissue, will bear the same issue date as the original bond.

(b) *Correction of error.* The reissue of a bond may be made to correct an error in the original issue upon appropriate request supported by satisfactory proof of error.

(c) *Change of name.* An owner whose name is changed in any legal manner after the issue of the bond should submit the bond with a request for reissue, to substitute the new name for the name inscribed on the bond. The signature on the request for reissue should show the new name, the manner in which the change was made and the former name, and must be supported by satisfactory proof of the change of name.

(d) *Legal succession.* A bond registered in the name of a company which has been succeeded by another company as the result of a merger, consolidation, incorporation, reincorporation, conversion, or reorganization, or which has

been lawfully succeeded in any manner whereby the business or activities of the original organization are continued without substantial change will be paid to or reissued in the name of the successor upon appropriate request on its behalf, supported by satisfactory evidence of successorship.

§ 343.6 General provisions.

(a) *Regulations.* All tax and loss bonds shall be subject to the general regulations prescribed by the Secretary of the Treasury with respect to U.S. securities which are set forth in the Treasury Department Circular No. 300, current revision, to the extent applicable. Copies of the general regulations may be obtained upon request from the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C. 20226.

(b) *Fiscal agents.* Federal Reserve Banks and Branches, as fiscal agents of the United States, may be authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, reissue, and payment of tax and loss bonds.

(c) *Reservations.* The Secretary of the Treasury may at any time, or from time to time, supplement or amend the terms of this circular or any amendments or supplements thereto.

[F.R. Doc. 68-3435; Filed, Mar. 20, 1968; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES
[CGFR 68-8]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

MISSISSIPPI RIVER BELOW BATON ROUGE, LA., INCLUDING SOUTH AND SOUTHWEST PASSES

1. Pilot organizations on the Mississippi River have requested modification of Pilottown Anchorage. A special notice dated March 1, 1967, was issued by the District Engineer, New Orleans District, U.S. Army Corps of Engineers describing the proposed changes. All known interested parties were notified and requested to comment. No objection was received. The proposed changes are considered necessary due to the increased project depth in the Mississippi River from 35 to 40 feet. The depth and area requirements of the larger vessels now using the waterway make the present anchorage inadequate.

2. The purpose of this document is to modify existing descriptions of Pilottown Anchorage by increasing its size for the accommodate vessels with drafts up to 40 feet.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard

by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655 (g)(1), the text of 33 CFR 110.195(a)(1) is amended to read as follows and shall become effective on and after 30 days after publication of this document in the FEDERAL REGISTER.

§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The anchorage grounds*—(1) *Pilottown Anchorage.* An area approximately 5.2 miles in length along the right descending bank or west side of the river. The east limit of the anchorage area at the upstream end starts at a point approximately 1,600 feet from the east bank at Mile 6.7 above Head of Passes and extends downstream generally parallel to and 1,600 feet from the east bank line to a point directly opposite Old Quarantine Station Light at Mile 3.7 above Head of Passes; thence to a point 1,600 feet directly opposite Cubits Gap Light at Mile 2.8 above Head of Passes; thence to a point 1,600 feet directly opposite Pilottown Wingdam Light at Mile 1.5 above Head of Passes, which is the downstream limit of the anchorage area. The area is marked by large signs, "Pilottown Anchorage," located on the right bank at the lower and upper limits. This anchorage is for ships which cannot proceed to sea because of fog at the Gulf ends of South and Southwest Passes, or for any other reason.

(Sec. 7, 38 Stat. 1053, as amended; sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: March 14, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-3407; Filed, Mar. 20, 1968; 8:46 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 67—CANAL ZONE POSTAL SERVICE

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 67 of Title 35 of the Code of Federal Regulations is amended as follows:

1. The table of contents of Subpart D of Part 67 is amended to include new §§ 67.171 and 67.246 to read as follows:

Subpart D—Mail Classification and Rates

MAIL PRIVILEGES FOR MEMBERS OF ARMED FORCES

Sec. 67.171 Mail privileges for members of the U.S. Armed Forces and friendly nations in the Canal Zone.

67.246 Philatelic sales.

2. Section 67.5 is amended to read as follows:

§ 67.5 International reply coupons.

International reply coupons of the Universal Postal Union, which are printed in blue ink and bear the caption "Coupon-Response International" issued in United States and foreign countries are exchangeable for Canal Zone postage stamps at the following rates:

- (a) Issued in all other countries except the United States and Panama..... 13 cents each.
- (b) Issued in the United States and Panama..... 6 cents each.

3. Section 67.91 is amended to read as follows:

§ 67.91 Domestic rates for first-class mail.

(a) *Application of rates.* In addition to the domestic postage rates for first-class mail set forth in 39 CFR, which are applicable to and within the Canal Zone and to regular mail exchanged with the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico, a drop letter rate of 5 cents per ounce is also applicable within the Canal Zone.

(b) *Zones.* There are two zones for first-class mail weighing in excess of 13 ounces, as follows:

(1) *Local and Zone 1 and 2.* "Local" applies to first-class matter mailed at a main post office, its branches or units addressed for delivery at that main post office, its branches or units. Whenever cheaper, the drop letter rate is applicable. Zone 1 and 2 applies to first-class matter over 13 ounces mailed at any post office, branch, or unit addressed for delivery in the Canal Zone or Republic of Panama and not included in "Local" zone.

(2) *Zone 8.* This applies to first-class matter over 13 ounces mailed at any post office, branch, or unit for delivery at post offices in the United States, its Territories and Possessions and Commonwealth of Puerto Rico.

CROSS REFERENCE: Rates for first-class mail, see 39 CFR 21.1. Airmail rates, see § 67.161 in this Part 67.

4. Section 67.92 is amended to read as follows:

§ 67.92 Classification.

The provisions of 39 CFR, describing the various classifications of first-class mail, are applicable to and within the Canal Zone with the following addition:

(a) *Drop letters.* Drop letters are letters mailed for local delivery. (Letters mailed at a main post office, its branches or units addressed for delivery at that main post office, its branches or units.)

5. Paragraph (a) of § 67.111 is amended to read as follows:

§ 67.111 Rates for publications, generally.

(a) For delivery in the Canal Zone. Domestic second-class rates of postage as provided by 39 CFR.

6. Subparagraph (1) of paragraph (a) of § 67.131 is amended to read as follows:

§ 67.131 Applicability of Federal postal regulations.

(a) Rates. (1) Domestic destinations, except when an article is mailed which does not weigh in excess of 1 ounce, the drop letter rate may be used, when applicable.

7. Subparagraph (2) of paragraph (a) and paragraph (c) of § 67.161 are amended to read as follows:

§ 67.161 Domestic destinations.

(a) Rates. * * *
(2) United States, its Territories and Possessions and Commonwealth of Puerto Rico. The domestic postage rates, for airmail, set forth in 39 CFR, are applicable.

(c) Application of rates. Postage is charged on airmail (except postal and post cards) according to weight at rates prescribed by paragraph (a) (2) of this section, regardless of the class of mail. Air post cards must conform to the size and conditions prescribed for post cards.

8. Subparagraphs (1), (2), and (3) of paragraph (b) of § 67.163 are amended to read as follows:

§ 67.163 Foreign destinations.

(b) Rates.—(1) Letters and letter packages,¹ Postal Union "Other Articles." These rates are based on a three-zone structure, except Panama, as follows:

	Cents per half ounce
Panama	10
Zone A. North America, Central America except Panama, the Caribbean Islands and South America	15
Zone B. Europe (except U.S.S.R.) and Mediterranean Africa	25
Zone C. U.S.S.R., Asia, the Pacific, and Africa other than Mediterranean	30

(2) Postcards (single).

	Cents each
Panama	8
All other countries	15

(3) Aerogrammes (air-letter sheets).

	Cents each
Panama	10
All other countries	15

9. New § 67.171 is added and reads as follows:

¹ Consult 39 CFR for list of countries to which articles liable to customs duties (merchandise) may be forwarded in letters and letter packages.

MAIL PRIVILEGES FOR MEMBERS OF ARMED FORCES

§ 67.171 Mail privileges for members of the U.S. Armed Forces and friendly nations in the Canal Zone.

(a) Airlift mail: The following items of Armed Forces personnel mail, when addressed to locations where United States domestic postage rates apply, are given airlift on a space available basis between the Canal Zone and a point of embarkation within the United States and to final destination, except parcels defined in subparagraph (3) of this paragraph, which will be given surface transportation within the United States:

(1) First-class letter mail including postal and post cards.

(2) Sound recorded communications having the character of personal correspondence. Markings required on this category of mail are as required by 39 CFR.

(3) Parcels of any class paid at surface postage rates not exceeding 5 pounds in weight and not exceeding 60 inches in length and girth combined. From point of embarkation in the United States to delivery point within the United States, or to point of debarkation to overseas APO's and FPO's, these parcels will be transported by surface means. From U.S. debarkation point to overseas APO's and FPO's these parcels will be given airlift on a space available basis. These parcels must be marked with the large letters SAM (space available mail) on the address side, preferably below the postage and above the name of the addressee. Postal employees shall at time of acceptance place these letters on all such parcels.

(4) Parcels other than a parcel mailed airmail not exceeding 30 pounds in weight or 60 inches in length and girth combined, will be transported by air on a space available basis to final destination, upon payment of a fee of \$1 in addition to the regular surface rate of postage. These parcels must be marked with the large letters PAL (parcel air lift) on the address side, preferably below the postage and above the name of the addressee. Postal employees shall at time of acceptance place these letters on all such parcels.

(b) Preparation—Military Return Address or Military Address: To be eligible for Airlift Service from the Canal Zone, the mail matter must show either a Military Return Address or a Military Address.

(1) Military Return Address. The return address should show grade, full name including first and middle name or initial, service number, organization, post office box and Canal Zone post office or APO or FPO designation. (There should be sufficient information in the return address to identify the mailer as a member of the Armed Forces or a dependent.)

(2) Military Address. The Military Address must include an Army Post Office or a Fleet Post Office (APO or FPO) designation.

(c) The eligible mail matter will be mailed at any Canal Zone Post Office.

(d) The provisions of 39 CFR, relating to the weight and size limits and prohibitions concerning Armed Forces personnel mail are applicable to and within the Canal Zone.

(e) The provisions of 39 CFR, relating to letters sent postage collect and letters sent free by Armed Forces personnel are applicable to and within the Canal Zone.

10. Section 67.221 is amended to read as follows:

§ 67.221 Adhesive stamps available.

The following adhesive stamps are available:

Purpose	Form	Denomination
Ordinary postage.....	Single or sheet.	1, 1½, 2, 3, 4, 5, 6, 10, 15, 20, 25, 30, 50 cents.
	Coil of 100.....	3, 4 cents.
	Coil of 500.....	3, 4, 5 cents.
Airmail postage (for use on airmail only).	Coil of 3000.....	3, 4, 5 cents.
	Single or sheet.	6, 8, 10, 15, 20, 25, 30, 80 cents.
Precanceled stamps, for sale by: (a) Postmaster, Cristobal to permit holders.	Sheet.....	The denominations available will vary as required by permit holders.
	(b) C.Z. Philatelic Agency for collection purposes.	Single or sheet.
Special Delivery (U.S.).	Single or sheet.	30 cents. Good only for special delivery fee on mail to United States.

11. Paragraphs (a) and (b) of § 67.223 are amended to read as follows:

§ 67.223 Envelopes and postal cards available.

The following plain stamped envelopes and postal cards are available:

(a) Plain stamped envelopes.

Kind	Size	Denomination (cents)	1000	500	250	100	50
Regular.....	8	4	\$50.00	\$25.00	\$12.50	\$5.00	\$2.50
	6¾	4	50.00	25.00	12.50	5.00	2.50
Airmail.....	6¾	10	110.00	55.00	27.50	11.00	5.50
	8	10	110.00	55.00	27.50	11.00	5.50

(b) *Postal cards.*

Stock No. and dimensions	Kind	Price each (cents)
(3 1/4" x 5 1/2")	Domestic, single	5
(3 1/4" x 5 1/2")	Airmail, single	8

12. Paragraph (c) of § 67.224 is amended to read as follows:

§ 67.224 **Payment for postage.**

(c) *Postage due.* Postage due shall be paid in cash. Ordinary Canal Zone postage stamps will be affixed by postal personnel to Postage Due mail in the amount of the deficient postage and canceled.

13. Section 67.244 is amended to read as follows:

§ 67.244 **Sale limited.**

Precanceled stamps may be sold only to permit holders except as provided in § 67.246.

14. New § 67.246 is added, reading as follows:

§ 67.246 **Philatelic sales.**

Canal Zone precanceled stamps will be available for sale for collection purposes to permit and nonpermit holders only through the Canal Zone Philatelic Agency.

(a) Unused precanceled stamps may not be sold for philatelic purposes by permit holders.

15. Section 67.312 is amended to read as follows:

§ 67.312 **Stamps available.**

In addition to stamps of the ordinary and airmail series, the Canal Zone Philatelic Agency has for sale precanceled Stamps, commemorative stamps, and stamped envelopes and postal cards. A list of items available will be furnished on request to the Canal Zone Philatelic Agency, Balboa, C.Z. The list is revised when a new stamp is issued or an old stamp is withdrawn.

16. Section 67.313 is amended to read as follows:

§ 67.313 **Order for stamps.**

All stamps are for sale at face value. Orders should be addressed to the Canal Zone Philatelic Agency, Balboa, C.Z., and shall be accompanied by remittance sufficient to cover the cost of stamps, plus return postage at the first-class rate. Registration of stamp shipments is recommended but it is not required. If registration is desired, the fee shall be included in the remittance.

17. Section 67.315 is amended to read as follows:

§ 67.315 **First-day covers.**

First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First Day of Issue." The Canal Zone Phila-

telic Agency processes "First-day" covers. Requests accompanied by self-addressed envelopes and remittance to cover the cost of stamps, should be sent to the Canal Zone Philatelic Agency, Balboa, C.Z. Orders for uncanceled stamps should not be included with orders for first-day covers.

18. Section 67.401 is amended by revising paragraph (c) and subparagraph (1) of paragraph (e), revoking subparagraphs (2) and (3) of paragraph (e), and adding a new paragraph (g) to read as follows:

§ 67.401 **All classes.**

(c) *Airmail*—(1) *General provisions.* The provisions of 39 CFR relating to the forwarding of airmail articles by surface means, are applicable to and within the Canal Zone.

(2) *Exceptions.* The provisions of 39 CFR relating to the forwarding of airmail articles by air, are applicable to and within the Canal Zone. For postage prepayment when required, see paragraph (f) of this section.

(e) *Mail for ships' passengers and crew members*—(1) *Applicability of Federal postal regulations.* The provisions of 39 CFR, relating to the forwarding of mail addressed to passengers on board a ship or crew members, are applicable to and within the Canal Zone.

(2) [Revoked]

(3) [Revoked]

(g) *Address correction requested.* The provisions of 39 CFR relating to the notification of mailer, when requested, of the addressee's new address on all classes of mail and the prescribed fee for this service, are applicable to and within the Canal Zone and to mail exchanged with the United States, its Territories and Possessions and Commonwealth of Puerto Rico.

19. Paragraph (b) of § 67.591 is amended to read as follows:

§ 67.591 **Surface mails.**

(b) *Postal Union mail.*

Classifications	Surface rates	Weight limits (surface)
Letters and Letter Packages:		
Panama	6 cents per ounce	4 pounds 6 ounces, Do.
All other countries	13 cents first ounce, 8 cents each additional ounce.	
Post Cards:		
Panama	5 cents single; 10 cents reply paid	
All other countries	8 cents single; 16 cents reply paid	
Printed Matter:		
a. Books and sheet music:		
Countries of Postal Union of Americas and Spain, except Spain and Spanish possessions.	3 cents first 2 ounces, 1 cent each additional 2 ounces.	See 39 CFR.
All other countries including Spain and Spanish possessions.	4 cents first 2 ounces, 1 1/2 cents each additional 2 ounces.	
b. Publishers' Second Class:		
P.U.A.S. countries	3 cents first 2 ounces, 1 cent each additional 2 ounces.	See 39 CFR.
All other countries	4 cents first 2 ounces, 1 1/2 cents each additional 2 ounces.	
c. Other printed matter:		
All other countries	6 cents first 2 ounces, 4 cents each additional 2 ounces.	See 39 CFR.
Samples of Merchandise:		
All countries	6 cents first 2 ounces, 4 cents each additional 2 ounces. Minimum charge 13 cents.	18 ounces.
Matter for the blind:		
All countries	Domestic rates apply, with certain exceptions.	15 pounds 6 ounces.
Small Packets:		
All countries	6 cents each 2 ounces. Minimum charge, 26 cents.	2 pounds 3 ounces.
8-Ounce Merchandise Packages:		
Canada only	16 cents (flat rate)	8 ounces.

20. Paragraph (b) of § 67.702 is amended to read as follows:

§ 67.702 **International money orders.**

(b) The remitter shall submit an international money order application for the amount, in U.S. currency, which he desires paid to the payee. A domestic money order for the amount of the international money order plus the required international money order fee shall be issued, payable to the Postmaster, Washington, D.C. The post office stub of the domestic money order shall be endorsed on the back "Int. M.O.—Postmaster, Washington, D.C.," and placed in proper sequence with other stubs. The pur-

chaser's receipt shall be given to the purchaser and the domestic money order and international application shall be forwarded to: International Money Order Branch, Post Office Department, General Accounting Office Building, Washington, D.C. 20260, by official registered airmail.

CROSS REFERENCE: Countries where international money order service is available on direct exchange basis, see 39 CFR 61.2(f).

(2 C.Z.C. secs. 1131-1133, 76A Stat. 38-39)

Dated: February 13, 1968.

[SEAL]

W. P. LEEBER,
Governor.

[F.R. Doc. 68-3334; Filed, Mar. 20, 1968; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 231—GRAZING

Part 231 of Title 36, Code of Federal Regulations, is revised to read as follows:

Sec.	
231.1	Range resource development and administration.
231.2	Management of the range environment.
231.3	Grazing permits and grazing agreements.
231.5	Grazing fees.
231.6	Revocation and suspension of grazing permits.
231.7	Cooperation in management.
231.8	Cooperation in control of stray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.
231.9	Range improvements.
231.10	Livestock advisory boards.

AUTHORITY: The provisions of this Part 231 issued under sec. 1, 30 Stat. 35, as amended, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472; sec. 32, 50 Stat. 525, as amended; 7 U.S.C. 1011, unless otherwise noted.

§ 231.1 Range resource development and administration.

(a) **Authority.** The Chief, Forest Service, is authorized to develop, administer and protect the range resources, and permit and regulate the grazing use of all kinds and classes of livestock on all National Forest System lands and on other lands under Forest Service control.

(b) **Definitions.** (1) "National Forest System lands," as used in this part, are the National Forests, National Grasslands, and other Federal lands for which the Forest Service has administrative jurisdiction.

(2) "Other lands under Forest Service control," as used in this part, are those other public and private lands for which the Forest Service has been given control of use through lease, agreement, waiver, or otherwise.

(3) Livestock as used in this part includes all domestic livestock raised for food and other animal products and all animals used for work or to provide transportation services.

§ 231.2 Management of the range environment.

(a) Range allotments will be designated on National Forest System lands and on other lands under Forest Service control. Associated private and other public lands should be included in such range allotments to form logical range management units.

(b) Each range allotment will be periodically analyzed and a plan of management developed and implemented which will provide for conservation, development and utilization of the range environment for livestock grazing in coordination with other resource needs and uses.

§ 231.3 Grazing permits and grazing agreements.

(a) Unless otherwise specified by the Chief, Forest Service, all livestock use on National Forest System lands and on other lands under Forest Service control shall be authorized by grazing permit or grazing agreement.

(b) A grazing permit or grazing agreement conveys no right, title, or interest of the United States in any lands or resource use authorized thereunder and is a privilege for the exclusive benefit of the person or organization to whom a permit is issued or with whom a grazing agreement is entered into.

(c) The regulations of the Secretary of Agriculture relating to the protection, administration, and development of the range resources are a part of each grazing permit and grazing agreement.

(d) Grazing permits and grazing agreements authorizing livestock use on National Forest System lands and on other lands under Forest Service control shall be as follows:

(1) Paid term permits may be issued for periods of ten years or less to persons who own the livestock to be grazed and such base ranch property as the Chief, Forest Service, may require. They may also be issued in connection with changes of ownership of the base ranch property or the permitted livestock of term permittees. Term permits are renewable at the end of each term period provided the provisions and requirements under which they are issued continue to be met and as long as it is in the public interest to renew them. The term permit gives its holder first priority for its renewal at the expiration of the term permit period. The Chief, Forest Service, shall prescribe the provisions and requirements under which term permits may be issued, renewed, and administered, including:

- (i) Eligibility criteria;
- (ii) Base ranch property and livestock ownership;
- (iii) Commensurability requirements;
- (iv) Provisions and requirements under which term permits may be issued through acquisition by purchase, inheritance or otherwise of the base ranch property or the permitted livestock of term permittees;
- (v) Conditions for the approval of nonuse of permit for specified periods;
- (vi) Upper limits governing size of permit which may be held by any person, firm or corporation.

(2) Paid temporary permits may be issued on an annual basis to persons under such provisions and requirements as the Chief, Forest Service, shall prescribe.

(3) Paid term or temporary permits with a specific on-and-off provision may be issued to persons owning livestock which will graze on range only part of which is National Forest System lands and on other lands under Forest Service control.

(4) Paid commercial transportation livestock permits may be issued, under

such provisions and requirements as the Chief, Forest Service, shall prescribe, to persons who are engaged in commercial packing, dude ranching, or other commercial enterprises which involve transportation livestock use.

(5) Private land permits may be issued, free of charge, to persons who control grazing lands adjacent to National Forest System lands and who waive exclusive use of these lands to the Forest Service for the full calendar year.

(6) Free permits may be issued to:

(i) Persons who reside on ranch or agricultural lands within or contiguous to National Forest System lands for not to exceed 10 head of milk cows or other animals owned or kept for domestic purposes and whose products are consumed or whose services are used directly by the family of the resident, and there is a distinct need for National Forest System lands to support such animals.

(ii) Persons issued grazing permits or entering into grazing agreements for the number of animals needed to manage the livestock authorized to graze, and there is a distinct need for National Forest System lands to support such animals.

(iii) Prospectors, campers, and travelers for the few head of livestock actually used during the period of occupancy.

(iv) Others as may be authorized by the Chief, Forest Service.

(7) Paid or free crossing permits may be issued to persons to trail livestock under such requirements and provisions as the Chief, Forest Service shall prescribe.

(8) Grazing agreements may be entered into with cooperative grazing associations or similar organizations incorporated or otherwise established pursuant to State law. Such an agreement will make National Forest System lands and improvements available to the association for grazing purposes for periods of 10 years or less, subject to such provisions and requirements as the Chief, Forest Service, shall prescribe. The association may allocate and administer the available grazing use in accordance with the provisions of the grazing agreement and Forest Service policies.

(e) Any person authorized by a grazing permit or grazing agreement to use National Forest System lands and other lands under Forest Service control shall protect the land and property of the United States and shall pay the United States for any damage to its land or property resulting from negligence or from violation of the provisions and requirements of the grazing permit or grazing agreement or any law or regulation applicable to the National Forests or National Grasslands by such person, by his agents and employees when acting within the scope of their employment, or by his contractors or subcontractors.

(f) Any person authorized by a grazing permit or grazing agreement to use National Forest System lands and other lands under Forest Service control may at any time be required to give good and sufficient bond to insure payment for all damages sustained by the United States through that person's failure to

comply with the provisions and requirements of the grazing permit or the grazing agreement or any law or regulation applicable to the National Forests or the National Grasslands.

§ 231.5 Grazing fees.

(a) A fee as determined by the Chief, Forest Service, shall be charged for the grazing or crossing of all livestock on National Forest System lands and on other lands under Forest Service control except as otherwise authorized by the Secretary of Agriculture.

(b) No charge shall be made for animals under 6 months of age at the time of entering National Forest System lands and other lands under Forest Service control which are the natural increase of the livestock upon which fees are paid or for those born during the season for which the permit is allowed; providing that the full fee may be charged for all weaned calves and colts regardless of age and for such animals as will become 12 months of age during the season for which the permit is allowed.

(c) All grazing fees are payable in advance of the opening date of the grazing period unless otherwise authorized by the Chief, Forest Service. Crossing fees are payable in advance of entering National Forest System lands and on other lands under Forest Service control.

(d) Refunds or credits may be allowed under such justifiable circumstances as the Chief, Forest Service, may specify.

§ 231.6 Revocation and Suspension of Grazing Permits.

The Chief, Forest Service, is authorized to revoke or suspend term grazing permits in whole or in part on all National Forest System lands and on other lands under Forest Service control:

(a) For failure to comply with any of the provisions and requirements in the grazing permit; any of the regulations of the Secretary of Agriculture on which the permit is based; or, the instructions of Forest officers issued thereunder; and,

(b) For knowingly and willfully making a false statement or representation in the permittee's grazing application, and amendments thereto.

§ 231.7 Cooperation in management.

(a) *Cooperation with local livestock associations*—(1) *Authority.* The Chief, Forest Service, is authorized to recognize, cooperate with, and assist local livestock associations organized primarily to manage the livestock and range resources on a single range allotment or associated groups of allotments on which the members' livestock are permitted to graze.

(2) *Purposes.* These associations will provide the means for the members to:

(i) Manage their permitted livestock and the range resources.

(ii) Meet jointly with Forest officers to discuss and formulate programs for management of their livestock and the range resources.

(iii) Express their wishes through their designated officers or committees.

(iv) Share costs for handling of livestock, construction and maintenance of range improvements, or other agreed

upon programs deemed needed for proper management of the permitted livestock and range resources.

(v) Formulate association special rules needed to ensure proper resource management.

(3) *Requirements for recognition.* The requirements for receiving recognition by the Forest Supervisor are:

(i) The members of the association must constitute a majority of the grazing permittees on the range allotment or allotments involved.

(ii) The officers of the association must be elected by a majority of the association members or of a quorum as specified by the association's constitution and bylaws.

(iii) The officers other than the Secretary and Treasurer must be grazing permittees on the range allotment or allotments involved.

(iv) The association's activities must be governed by a constitution and bylaws acceptable to the Forest Supervisor, and approved by him.

(4) *Withdrawal recognition.* The Forest Supervisor may withdraw his recognition of the association whenever:

(i) The majority of the grazing permittees request that the association be dissolved.

(ii) The association becomes inactive, and does not meet in annual or special meetings during a consecutive 2-year period.

(b) *Cooperation with national, State, and county livestock organizations.* The policies and programs of national, State, and county livestock organizations give direction to, and reflect in, the practices of their members. Good working relationships with these groups is conducive to the betterment of range management on both public and private lands. The Chief, Forest Service, should endeavor to establish and maintain close working relationships with national livestock organizations who have an interest in the administration of National Forest System lands, and direct Forest officers to work cooperatively with State and county livestock organizations with similar interests.

(c) *Interagency cooperation.* The Chief, Forest Service, will cooperate with other Federal agencies which have interest in improvement of range management on public and private lands.

(d) *Cooperation with others.* The Chief, Forest Service, will cooperate with other agencies, institutions, organizations, and individuals who have interest in improvement of range management on public and private lands.

§ 231.8 Cooperation in control of stray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.

(a) Insofar as it involves National Forest System lands and other lands under Forest Service control or the livestock which graze thereupon, the Chief, Forest Service, will cooperate with:

(1) State, county, and Federal agencies in the enforcement of all laws and regulations relating to livestock diseases and sanitation;

(2) The Agricultural Research Service and other Federal and/or State agencies and institutions in surveillance of pesticide spray programs; and

(3) State cattle and sheep sanitary boards in control of stray and unbranded livestock.

(b) The Chief, Forest Service, will cooperate with county or other local weed control districts in analyzing noxious farm weed problems and developing control programs in areas of which the National Forests and National Grasslands are a part.

§ 231.9 Range improvements.

(a) Structural and nonstructural range improvements needed to manage, protect or develop the range resource on National Forest System lands and other lands controlled by the Forest Service will be installed and maintained when authorized.

(b) Such improvement may be installed and maintained by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by special use permit or cooperative agreement.

(2) Title to structural improvements removable without damage to the resources, such as troughs, cattleguards, etc., may be retained by the cooperator or permittee; *Provided*, That title shall vest in the United States where a part of the construction cost for any improvement is borne by the Government.

(3) Title to nonstructural and non-removable structural improvements such as trails, driveways, earth dams, etc., or those which cannot be removed without damage to resources shall vest in the United States.

(4) Range improvement work performed by a cooperator or permittee on National Forest System lands shall not confer the exclusive right to use the improvement or the land influenced.

(c) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain improvements used with his grazing privilege in a satisfactory state of repair.

(d) Grazing fees shall not be adjusted to compensate permittees for range improvement work performed on National Forest System lands: *Provided*, That, in accordance with section 32(c), Title III, Bankhead-Jones Farm Tenant Act, the cost to grazing users in complying with requirements of a grazing permit or agreement may be considered in determining the annual grazing fee on National Grasslands if it has not been used in establishing the grazing base value.

(Sec. 12, 64 Stat. 85; 16 U.S.C. 580h)

§ 231.10 Livestock advisory boards.

(a) *Establishment of advisory boards.* To provide National Forest System grazing permittees a means for expressing their recommendations concerning the management and administration of National Forest System grazing lands, an advisory board shall be constituted and

elected as provided in this section for each National Forest, National Grassland, or administrative subdivision thereof whenever a majority of the grazing permittees of such National Forest, National Grassland, or administrative subdivision thereof so petitions the Forest Supervisor.

(b) *Membership of advisory boards.* Each advisory board constituted and elected as provided in this section shall consist of not less than three (3) nor more than twelve (12) members, who shall be National Forest System grazing permittees in the area for which such board is constituted and elected. In addition, the State Game Commission, or the corresponding public body of the State in which the advisory board is located, may appoint a wildlife representative as a member of the board to advise on wildlife problems. The wildlife representative so appointed shall not be a voting member of the board.

(c) *Constituting and electing advisory boards.* (1) Upon being petitioned the Forest Supervisor shall determine whether the permittees have met the following requirements:

(i) The area for which the board is to be constituted and elected is a National Forest, National Grassland, or administrative subdivision thereof.

(ii) The permittees petitioning for an advisory board are a majority of the grazing permittees in the area for which the board is to be established.

(iii) The membership of the board is to consist of not less than three (3) nor more than twelve (12) members, exclusive of the nonvoting wildlife representative.

(iv) The manner in which the members of the board are to be nominated and elected, if such manner is proposed by the petitioning permittees, will effect an equitable representation of all grazing permittees in the area for which the board is to be established.

(2) If the Forest Supervisor determines that any of the requirements in subparagraph (1) of this paragraph have not been met, he will so notify the petitioning permittees. If the requirements in subparagraph (1) of this paragraph have been met, the Forest Supervisor will notify the grazing permittees in the area for which the board is to be established that their petition is approved.

(3) The Forest Supervisor shall prescribe the manner in which the members of the board are to be nominated and elected: *Provided*, That such manner will effect an equitable representation of all grazing permittees in the area for which the board is to be established and that all grazing permittees in such area shall be eligible to vote in the election.

(4) The Forest Supervisor shall determine and announce the results of the election of the members of the board and shall recognize the duly elected board as representing the National Forest System

grazing permittees in the area for which it is established.

(5) A duly recognized advisory board shall, with the concurrence of a majority of the grazing permittees and the Forest Supervisor, adopt a constitution and/or bylaws to govern the conduct of its proceedings: *Provided*, That the board, with a quorum present, shall meet at least once annually at a time to be fixed by the board, and at such other time or times as its members may determine, or on the call of the chairman or the Forest Supervisor or his designee.

(6) An advisory board may consider the complaints and appeals of the grazing permittee for the area it represents and may make recommendations thereon: *Provided*, That an appeal taken under this paragraph shall not be construed as a waiver of any right to an appeal pursuant to §§ 211.20 to 211.37 of this chapter.

(d) *Termination of advisory boards.* The Forest Supervisor may withdraw his recognition of any advisory board whenever:

(1) A majority of the permittees for the area the board represents requests that the board be dissolved.

(2) The board becomes inactive and does not meet at least once annually during a consecutive 2-year period.

(e) *Reconstitution of boards established under previous authority.* Any advisory board established pursuant to § 231.7 (16 F.R. 12620, Dec. 14, 1951, as amended at 17 F.R. 3654, Apr. 24, 1952) may be recognized by the Forest Supervisor as an advisory board under this section if it can be shown to the satisfaction of the Forest Supervisor that:

(1) The board represents a majority of the grazing permittees on the area for which the board was established.

(2) The board consists of not less than three (3) nor more than twelve (12) members who are National Forest System grazing permittees in the area which the board represents.

(3) The board gives the State Game Commission, or the corresponding public body of the State in which the board is located, the opportunity to appoint a wildlife representative as a nonvoting member of the board.

(4) The board members equitably represent all National Forest System grazing permittees in the area for which the board was established.

(5) The board is not prevented or limited by its constitution and/or bylaws, if any, from complying with the provisions and the purposes of this part.

Within 5 years from the date of promulgation of this part, advisory boards established pursuant to § 231.7 (16 F.R. 12620, Dec. 14, 1951, as amended at 17 F.R. 3654, Apr. 24, 1952) shall be reconstituted as provided in this section: *Provided*, That pending reconstitution such advisory boards shall be subject to and continued under the provisions of § 231.7

existing prior to the date of promulgation of this part.

(Sec. 18, 64 Stat. 87; 16 U.S.C. 580k)

Done at Washington, D.C., this 14th day of March 1968.

JOHN A. BAKER,
Assistant Secretary
of Agriculture.

[F.R. Doc. 68-3447; Filed, Mar. 20, 1968;
8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 75—SMOKE INSPECTION GUIDES

Design and Test Specifications

The following amendment to § 75.1 revises the design and test specifications for the smoke inspection guide. The guide is a device for measuring the density of smoke emissions which was developed by the Public Health Service. The specifications for the guide were dedicated to the public use without any charge, fee or license requirements on March 4, 1960 (25 F.R. 1911).

Section 75.1 is amended by revising paragraphs (d) and (e) and deleting paragraph (f), as follows:

§ 75.1 Design and test specifications for the smoke inspection guide.

(d) The four intensities of gray proceeding from light to dark shall be designated in terms of percentage light transmission having the values of 80, 60, 40, and 20 percent ± 5 percent. These values of percentage transmission shall be determined using a transmissometer with specifications described in paragraph (e) of this section as the primary standard of reference. A sensitive densitometer capable of measurement of differences in optical densities within ± 0.005 and calibrated with reference to the primary standard shall be acceptable as a secondary standard of reference. The transmission values of 80, 60, 40, and 20 percent shall also be referred to as nominal Ringlemann Nos. 1, 2, 3, and 4, respectively.

(e) The transmissometer used for measurement of the transmission values of the gray areas shall have collimating tubes with 0.25" diameter apertures and viewing angles within 5° attached to the detector and lamp. The spectral response of the transmissometer shall be restricted to the visual range and comparable to the human eye. A schematic of a transmissometer for calibration of smoke guides is shown in Figure 1.

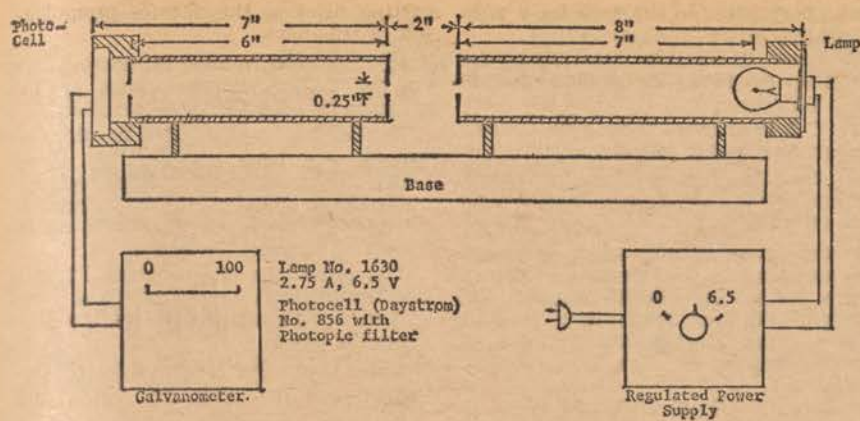


Figure 1. Schematic of transmissionmeter for calibration of smoke guides.

(f) [Deleted]

(Sec. 801(a), 81 Stat. 504)

Dated: March 12, 1968.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 68-3337; Filed, Mar. 20, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 992, Amdt. 2]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Trackage of Great Northern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of March 1968.

Upon further consideration of Service Order No. 992 (32 F.R. 8037, 20862) and good cause appearing therefor:

It is ordered, That § 1033.992 Service Order No. 992 (Union Pacific Railroad Co. authorized to operate over trackage of Great Northern Railway Co.) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1968.

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

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads

subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3436; Filed, Mar. 20, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

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.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of wild turkeys in conformance with the laws of Wisconsin, on the Necedah National Wildlife Refuge, Wis., is permitted with firearms from April 27 through May 12, 1968, but only on those areas designated by signs as

open to hunting. These open areas, comprising approximately 17,000 acres are 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 and Federal regulations subject to the following condition:

(1) A current, unused turkey license issued to the bearer must be in the hunters possession and will serve as a permit to be on the refuge.

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 May 12, 1968.

DAVID J. BROWN,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

MARCH 14, 1968.

[F.R. Doc. 68-3395; Filed, Mar. 20, 1968; 8:45 a.m.]

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin

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.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. All fishing is subject to the following conditions:

(1) During the open season from date of publication through December 31, 1968, and unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable state regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wildlife and Fish Refuge in Carroll Co., Ill., is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed

Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective from date of publication through December 31, 1968.

DONALD V. GRAY,
Refuge Manager.

MARCH 12, 1968.

[F.R. Doc. 68-3431; Filed, Mar. 20, 1968;
8:48 a.m.]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

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.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 790 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Streams and ditches open to fishing are:

(a) Driggs River from Highway M-28 south to the Diversion Ditch.

(b) Walsh Ditch from Highway M-28 south to C-3 Pool.

(c) Creighton and Manistique Rivers—entire length through refuge.

(2) Show Pools open from Memorial Day (May 30, 1968) through Labor Day (Sept. 2, 1968).

(3) C-3 Pool open from July 1, 1968, through Labor Day (Sept. 2, 1968).

(4) Night fishing, boating and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

MARCH 14, 1968.

[F.R. Doc. 68-3393; Filed, Mar. 20, 1968;
8:45 a.m.]

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

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.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State reg-

ulations subject to the following special conditions;

(1) The open season for sport fishing on the refuge extends from April 1 through October 15, 1968, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats and motors is permitted only south of State Highway 33, provided that boats may not exceed speeds of 10 miles per hour.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1968.

LEMOYNE B. MARLATT,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

MARCH 12, 1968.

[F.R. Doc. 68-3394; Filed, Mar. 20, 1968;
8:45 a.m.]

PART 33—SPORT FISHING

Cross Creeks National Wildlife Refuge, Tenn.; Correction

In F.R. Volume 33, No. 36, appearing on page 3231 of the issue for Wednesday, February 21, 1968, subparagraph (1) under special conditions should read as follows:

(1) The sport fishing season is open year-round on Barkley Lake. The open season on Elk Creek and South Cross Creeks Reservoir extends from May 1, through September 15, 1968, and is restricted to daylight hours only.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 14, 1968.

[F.R. Doc. 68-3432; Filed, Mar. 20, 1968;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and purpose. Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454-7), notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1968 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont., within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of \$2.96 per acre, for the season of 1968 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of one dollar and ninety-eight cents (\$1.98) per acre-foot or fraction thereof.

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of \$3.44 per acre, for the season of 1968

and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water if available, will be delivered at the rate of two dollars and thirty cents (\$2.30) per acre-foot or fraction thereof.

(b) (1) An annual minimum charge of \$3.30 per acre, for the season of 1968 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty cents (\$2.20) per acre-foot or fraction thereof.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 68-3424; Filed, Mar. 20, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553 and section 402 of the Federal Seed Act (7 U.S.C. 1592) notice is hereby given that the Consumer and Marketing Service intends to promulgate amendments of §§ 201.2(y), 201.10(b), 201.11(a), 201.18, 201.26, 201.34(c), and 201.62 of the regulations (7 CFR Part 201, as amended) under the Federal Seed Act relating to the definition of hybrid seed and the labeling of hybrid agricultural and vegetable seed. A public hearing with reference thereto will be held at 10 a.m. on April 26, 1968, in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C.

Interested persons are invited to attend this hearing and to offer comments or suggestions regarding the proposals. Any comments or suggestions bearing on the proposals that are not made or presented in person at the hearing may be

transmitted in duplicate by mail addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and will be considered if received on or before May 27, 1968. 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, except that any submission will be held confidential when so requested by the person making the submission upon a determination, by an official of the Department authorized to issue the rule under consideration, that he has shown that the making public of the submission may result in an adverse effect on such person by reason of:

(1) Disclosing trade secrets, processes, operations, style of work or apparatus, or the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures; or

(2) Exposing such person to substantial disadvantage in his business or employment.

Where request is made hereunder for confidential treatment of a submission, the person making the request shall be informed promptly in the event the request is denied and afforded an opportunity to withdraw the submission. Any such request will be held confidential; however, where a determination is made to grant a request for confidential treatment under subparagraph (2) of this paragraph, a statement of the specific basis for such determination which will not be susceptible to identifying the person making the request will be made available for public inspection.

The presiding officer, who shall conduct the hearing with power to do all things necessary and appropriate to the proper conduct of the hearing, shall be designated prior to the hearing by the Director, Grain Division, Consumer and Marketing Service.

Amendments proposed by the American Seed Trade Association are as follows:

1. Section 201.2(y) would be revised to read as follows:

§ 201.2 Terms defined.

(y) *Hybrid.* The term "hybrid" applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 90 percent hybrid agricultural seed or 75 percent hybrid vegetable seed, except as provided in § 201.11a. Hybrid designations shall be treated as variety names.

2. Section 201.10(b) would be amended to read as follows:

§ 201.10 Variety.

(b) If the name of the variety is given, the name may be associated with the name of the kind with or without the words "kind and variety." The percentage in such case, which may be shown as "pure seed," shall apply only to seed of the variety named, except for the labeling of hybrids as provided in § 201.11a. If separate percentages for the kind and the variety or hybrid are shown, the name of the kind and the name of the variety or the term "hybrid" shall be clearly associated with the respective percentages.

3. Section 201.11a would be revised to read as follows:

§ 201.11a Hybrid.

If any one kind of seed present in excess of 5 percent, or any one kind and variety named on the label, is "hybrid" seed, it shall be designated "hybrid" on the label. The percentage that is hybrid shall be at least 90 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 90 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show (a) the percentage of pure seed that is hybrid seed, or (b) a statement such as "Contains from 75 percent to 90 percent hybrid seed." The term "hybrid" in such case shall not be associated with the name of the kind or variety of seed. No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent first generation seed of a cross. Seed containing pure seed with over 5 percent but less than 75 percent first generation seed of a cross shall be labeled with a statement such as "Seed produced from your crop should not be used for planting purposes."

§ 201.13 [Amended]

4. Section 201.13 would be amended by deleting reference to "hybrid" and "hybrids" in this section.

5. Section 201.26 would be revised to read as follows:

§ 201.26 Kind, variety, and hybrid.

The label shall bear the name of each kind and variety present as determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of the kind or variety. If two or more kinds or varieties are present, the percentage of each shall be shown. If any one kind or variety named on the label is "hybrid" seed it shall be so designated on the label. If two or more kinds or varieties are named on the label, each that is hybrid shall be shown as "hybrid" on the label. Any kind or variety that is less than 95 percent but more than 75 per-

cent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show (a) the percentage that is hybrid seed, or (b) a statement such as "Contains from 75 percent to 95 percent hybrid seed. No one kind or variety of seed shall be labeled as hybrid if it contains less than 75 percent first generation seed of a cross. Seed containing over 5 percent but less than 75 percent first generation seed of a cross shall be labeled with a statement such as, "Seed produced from your crop should not be used for planting purposes."

6. Section 201.34(c) would be revised to read as follows:

§ 201.34 Kind, variety, and type; treatment substances; designation as hybrid.

(c) *Hybrid designation.* Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in § 201.2(y), except as provided in § 201.11a.

7. Section 201.62 would be amended preceding Table 4 to read as follows:

§ 201.62 Growing tests for determination of percentages of kind, variety, type, hybrid, or offtype.

Tolerances for growing tests for determination of percentages of kind, variety, type, hybrid, or offtype shall be those set forth in the following table added to one-half the required pure seed tolerances determined in accordance with § 201.62, except that one-half the pure seed tolerance will not be applied in determining tolerances for hybrids labeled on the basis of the percentage of pure seed which is hybrid.

In addition to the proposals made by the American Seed Trade Association as shown in the preceding paragraphs, consideration will be given to using the proposals for labeling hybrid vegetable seed to apply to agricultural seed and the proposals for labeling hybrid agricultural seed to apply to vegetable seed, in whole or in part.

Done at Washington, D.C., this 18th day of March 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3439; Filed, Mar. 20, 1968; 8:49 a.m.]

[7 CFR Parts 1062, 1067, 1102]

[Docket Nos. AO 10-A37, AO 10-A39, AO 222-A23, AO 237-A15-R03]

MILK IN ST. LOUIS, MO., OZARKS, AND FORT SMITH, ARK., MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders (Partial)

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 St. Louis, Mo., Ozarks, and Fort Smith, Ark., marketing areas. Interested parties may file written exceptions to this decision 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 hearings on the records of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, were conducted at St. Louis, Mo., January 24, 1967, pursuant to notice issued January 13, 1967 (32 F.R. 613), and February 28, 1967, through March 3, 1967, pursuant to notice issued January 24, 1967 (32 F.R. 1042). The hearing commencing February 28, 1967, also reopened the joint hearing on the Fort Smith, Ark., and Ozarks milk orders held November 2, 1966, at Fayetteville, Ark. (Docket No. AO 237-A15); such reopening was for the limited purpose of further consideration of including Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, Ark., in the proposed merged Ozarks-St. Louis marketing area.

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

1. Merging of the Ozarks and St. Louis marketing areas, and expansion of territory now regulated by the two orders to include additional territory to be added to either the Ozarks or St. Louis marketing areas or to the merged marketing area.
2. Milk to be priced and pooled.
3. Classification and allocation.
4. Class I price and location adjustments.
 - (a) Differentials over basic formula price.
 - (b) Supply-demand adjustor.
 - (c) Location adjustments.
5. Miscellaneous and administrative changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof.

1. *Marketing area.* Order No. 62 regulating the handling of milk in the St. Louis, Mo., marketing area and order No. 67 regulating the handling of milk in the Ozarks marketing area should be merged into a single regulation. St. Charles and Warren Counties, Mo., and the Arkansas counties of Baxter, Carroll,

Madison, Newton, and Searcy, plus the two marketing areas as presently constituted, should be included in the merged marketing area. The order thus created should be designated as the St. Louis-Ozarks marketing area.

Two kinds of marketing area proposals were made: (1) A proposal to merge the St. Louis marketing area with the Missouri part of the Ozarks marketing area; and (2) proposals to add presently unregulated areas to either the existing marketing area or to the areas as proposed to be merged.

The proposal to merge the St. Louis and Ozarks marketing areas was made by three cooperative associations, each of which has membership on both markets. Their proposal would also add territory not now regulated, Texas and Phelps Counties in Missouri and that part of Pulaski County, Mo., not now in the Ozarks marketing area. The proposal did not include the four Arkansas counties of Benton, Boone, Marion, and Washington which are now part of the Ozarks marketing area.

Other parties proposed extensive additions to the presently regulated areas, including areas adjoining the northern and southern limits of the present St. Louis marketing area as well as areas between the St. Louis and Ozarks areas, and counties in northern Arkansas. All of the proposals dealing with a merged marketing area involved a continuous geographic area extending from St. Clair County, Ill., to southwest Missouri and in some proposals into Arkansas.

In the area adopted in these findings and conclusions, however, the marketing area would not be geographically continuous. There would be unregulated territory located between the present St. Louis and Ozarks marketing areas. Although sales areas of handlers under the two orders are contiguous or to some degree overlap in intervening areas, there is not sufficient basis in the record for extending regulation to such territory.

The merging of the two marketing areas under one regulation is desirable to foster efficient and orderly marketing of the milk of producers under both orders. A very high proportion of the producer milk now regulated under the two orders is marketed by a single marketing agency of producers. The Sloma Marketing Agency, Inc., consisting of three cooperatives, Producers Creamery Co., Sanitary Milk Producers, and Square Deal Milk Producers, is the principal marketing agency in both markets. The membership of these three cooperatives comprises approximately 90 percent of the producers on the St. Louis and Ozarks markets.

Producers in the two separate markets have common marketing problems. In several production areas, producers of both markets are intermingled and the milk of dairy farmers in such common production areas may be directed into one market or the other, depending on needs and economic handling of milk. Shifting of groups of producers from one market to another, or between plants in the same market is arranged by the three cooperative associations.

There is a need for the cooperative associations to coordinate their marketing activities in the two markets. For this purpose, operation under a single order will facilitate their marketing activities, and improve the economic handling of producers' milk. The cooperative organizations also operate a number of supply plants in both markets, or arrange for the marketing of milk of plants of proprietary operators under marketing contracts. From time to time, the cooperative marketing associations have shifted one or more plants from one regulation to the other depending upon the needs of the two markets. The merging of the two orders will also facilitate the handling of reserve milk of these markets, particularly where the reserve milk of the separate markets has been handled in the same facilities.

Since Class I price levels in the Ozarks order for a period of several years have been closely associated with the St. Louis order Class I pricing, the continuation of existing geographic price relationship will not represent a change from the past situation. Similarly, with respect to producer prices, a merging would tend to result in an average level for most producers at about the same level as under the two orders. While month to month differences of uniform prices have prevailed, the average annual differences at locations where common production areas exist has not been great.

The combined marketing area thus constitutes a practical marketing area which will serve to promote the orderly marketing of producer milk now priced under the two orders.

The merging of present marketing areas would not result in regulation of any additional milk or handlers, and would not modify to any material extent the effect of the regulation on any proprietary handler. The primary effect upon the milk handling would be with respect to previously described operations of producer cooperative associations.

The cooperatives proposing a merger of the two orders omitted in their proposal the four Arkansas counties which are now part of the Ozarks marketing area, but did not give reasons for such omission. The findings and conclusions with respect to these four counties are included with those relating to other counties in Arkansas.

A number of proposals were made, however, to increase the regulated territory. While all of the proposed new territory generally includes extension of route sales by presently regulated handlers, most new areas proposed also include sales areas of handlers presently not regulated. In instances where new handlers would be brought under regulation if the area were expanded, the evidence does not justify the application of regulation to such additional areas.

One of these proposals was that of the cooperative associations which was designed to join the two existing marketing areas by including the intervening counties of Pulaski, Phelps, and Texas. Part of Pulaski County already is in the Ozarks marketing area which includes

Fort Leonard Wood Military Reservation. A very large part of the distribution of the additional area in these counties is by Ozarks handlers; for the three counties together about 80 percent. The remainder of the sales are divided between St. Louis handlers and an unregulated handler with a plant located at Jefferson City, Mo.

It is very likely that the handler at Jefferson City would be regulated by inclusion of both Phelps and Pulaski Counties, which contain the principal population concentration in the three-county area. The presence of unregulated milk sold in these counties is not now a significant factor detracting from orderly marketing conditions. Sales by this handler were reported to amount to about 6 percent of total sales in Phelps County and 5 percent of total sales in Pulaski County outside the military reservation. Proponent cooperative associations did not claim that such sales constitute a disturbing factor. They based their request for including the counties instead on the desirability of a continuous marketing area, and overlapping of sales of St. Louis and Ozarks handlers. Neither of these reasons is compelling, and thus cannot be sufficient for bringing about regulation of a handler not now regulated. Other areas where this handler has sales likewise are not included in the marketing area as adopted herein.

The only reason given for including Texas County was to accommodate the pricing of producer milk diverted from a pool plant at Cabool, in that county. This has no direct relation to Class I disposition in the county and is not a sufficient basis for regulation. The objective as to pricing diverted milk can be accomplished by other means.

The proposal to regulate Texas, Phelps, and Pulaski Counties, therefore, is denied, except that Fort Leonard Wood, presently part of the Ozarks marketing area, should be included under the merged order.

Another proposal made by a handler would have included other additional area not now regulated. Besides Pulaski, Phelps, and Texas Counties, the handler included in his proposal the 16 Missouri counties of Audrain, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Howard, Maries, Miller, Moniteau, Montgomery, Morgan, Osage, St. Charles, and Warren.

The only counties of this group which should be included in the marketing area are St. Charles and Warren Counties. In other areas proposed, there is not sufficient basis for bringing under regulation presently unregulated handlers.

The principal unregulated handler in this proposed territory operates a milk plant at Jefferson City in Cole County. Four other unregulated handlers, each having a single plant, are located at Jefferson City, Columbia, Fulton, and Moberly, Mo. The larger of the two unregulated handlers located at Jefferson City has sales in 14 of the 16 counties.

Unregulated handlers have the majority of Class I sales in Cole, Miller, and

Osage Counties and the largest proportion of Class I sales in Callaway County. Kansas City handlers have the majority of the sales in Howard, Cooper, Morgan, and Moniteau Counties. A handler regulated by the Des Moines, Iowa, order has the largest proportion of the Class I sales in Boone County.

St. Louis and Ozarks handlers have the majority of Class I sales in only seven of the 16 counties: Audrain, Camden, Maries, Gasconade, Montgomery, St. Charles, and Warren. Whether such sales represent a significant part of such handlers' business was not shown. St. Louis-Ozarks handlers have no Class I sales in Boone, Cooper, Howard, and Moniteau Counties.

In the five of the seven counties where St. Louis and Ozarks regulated handlers have a majority of the Class I sales, the principal unregulated handler located at Jefferson City in Cole County sells approximately 17½ percent of his total Class I sales. Thus if these five counties were added to the marketing area this unregulated handler at Jefferson City would definitely come under regulation of the order.

The handler making the proposal to add the 16 Missouri counties, as well as Phelps, Pulaski, and Texas Counties, argued that the handlers presently unregulated in the 16-county area have an advantage over regulated handlers in that they are not required to pay for milk according to class utilization. The proponent handler asserted that the principal unregulated handler in this area pays farmers a price approximating the St. Louis uniform price at his Jefferson City location. This was verified by the unregulated handler in a statement that his pay prices are 24 cents under the St. Louis City uniform price for October through April, and 28 cents under in other months. Such prices are paid without regard to utilization.

The principal supply for the unregulated handler is furnished by one of the cooperative associations who was a proponent of the merged order. The cooperative association did not state any position as to whether the handler in question should be regulated. The association is receiving for its milk delivered to this handler approximately the same returns as if the handler were regulated.

It is concluded the record evidence is not sufficient to sustain regulation of the handlers in the proposed new area. Particularly in view of failure of proponent handlers to provide complete data as to interests of presently regulated handlers in the proposed area, regulation based on this record would not be justified.

For these reasons all counties proposed by the handler for regulation are denied, except St. Charles and Warren counties. These two counties are entirely served by St. Louis or Ozarks handlers and thus do not involve handlers not now regulated. These two counties should be added to the regulated territory in the interest of including, insofar as justifiable, areas depending primarily on regulated handlers for fluid milk supplies. This will serve to stabilize and preserve

orderly marketing conditions for producer milk.

Another proposal by a St. Louis handler would add other counties in northeast Missouri. Besides the counties already considered, the handler proposed Lewis, Marion, Monroe, Ralls, Pike, and Lincoln. The information presented by proponent as to sales by regulated or unregulated handlers in these counties was not sufficiently definitive to judge whether regulation should apply. Sales by regulated handlers in the counties, as presented do not allow any analysis as to source, since there is no breakdown as to sales of individual handlers or as to what extent milk sold there is regulated under various orders. Further, there are unregulated handlers in the proposed counties, who presumably would become regulated if the counties were included in the marketing area. Certain other unregulated handlers may have fringe distribution in the area, but the information provided does not specify the extent of their sales in the proposed territory, and thus no determination as to whether they would be regulated can be made. In view of the lack of evidence in these respects, and as to the number of farmers who might supply handlers in the proposed area, there is insufficient basis for extending regulation to these counties. The proposal therefore is denied.

Other counties in southeast Missouri were proposed by the same St. Louis handler. These were Butler, Carter, Madison, Ripley, Stoddard, and Wayne Counties. In this case also the data presented by the proponent handler does not allow analysis of the source of milk sold in these counties. The data merely present an estimated division on a percentage basis between regulated and unregulated sales in each county. The sales of regulated milk in each county were assigned by proponent to a group of 14 St. Louis, Ozarks, and other handlers without any distinction as to which of these handlers had sales in a particular county. The presumed sales of the unregulated handlers also made no distinction as to which of nine different handlers had sales in each county.

The data presented by the proponent handler as to unregulated milk sold in these counties is in direct conflict with other evidence in the record to the effect that none of the unregulated handlers listed by proponent have sales in southeast Missouri. These counties are well beyond the range of sales areas of the unregulated handlers listed by proponent. The plants of two of such unregulated handlers are located in Jefferson City and the others at points more distant from southeast Missouri. It is concluded that the information provided by proponent is not sufficient basis for regulation of the area he proposed. Certain of these counties, however, were also included in the proposal of the principal unregulated handler whose plant is at Jefferson City.

The unregulated handler at Jefferson City proposed the inclusion of the Missouri counties of Carter, Dent, Iron, Madison, Reynolds, Shannon, Texas, and

Wayne. The unregulated handler's sole purpose in making this proposal was to suggest a geographical connection between the St. Louis and Ozarks marketing areas, which did not include any of this unregulated handler's sales. His explanation of this proposed area was that if a geographical connection were needed to accomplish the merger that this could be done through counties that did not include any of his sales. The information provided by proponent, however, does not give any basis for regulation in these proposed counties. He did not claim that disorderly marketing conditions exist in the area he proposed. He acknowledged that he knew of no sales by unregulated handlers in the proposed counties.

It is concluded that the evidence does not justify the regulation of any of the counties in southeast Missouri requested by these two proponents.

Another proposal concerned the four Arkansas counties which are now part of the Ozarks marketing area and eight other Arkansas counties proposed to be added to the proposed merged area of the Ozarks and St. Louis orders. This proposal was made by an Ozarks handler whose plant is at Springfield, Mo. Sales are made by this handler in all of the proposed Arkansas counties including those now in the marketing area. Another Springfield, Mo., handler also has sales in all of the four Arkansas counties now in the marketing area and in six of the other counties proposed to be added.

Presently, the Ozarks marketing area includes the Arkansas counties of Benton, Boone, Marion, and Washington. The handler proposed to add the counties of Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone.

The data furnished by proponents give a breakdown of the source of the milk sales in each county. In the four Arkansas counties now in the marketing area, the two Springfield, Mo., handlers have about 78 percent of Class I sales in Benton County, 50 percent in Boone County, 85 percent in Marion County, and 60 percent in Washington County. It must be concluded, therefore, that these counties are substantially supplied by handlers who would be regulated by the proposed merged order.

A minority of the Class I sales in these counties is supplied by handlers regulated under the Central Arkansas milk order, Central Arkansas handlers have no sales in Benton County, but have about 25 percent of the sales in Boone County, 15 percent of the sales in Marion County, and a minor percentage in Washington County.

There is a handler located in Rogers, Benton County with sales only in this county and there are also two handlers located at Fayetteville, Ark., in Washington County which have sales in Benton, Boone, and Washington Counties. Their sales constitute 20 percent of the sales in Benton, 5 percent of the sales in Boone, and 36 percent of the sales in Washington County. In one of these counties, Boone County, a producer-handler located at Harrison in Boone County provides 20 percent of the county's sales.

From the preceding information it is apparent that the four counties of Benton, Boone, Marion, and Washington are more substantially associated with milk handling in the present Ozarks marketing area than with the handling of milk under any other order. This situation would support continuing these four counties in the Ozarks or the merged marketing area, although these counties were omitted in the proposal made by the three cooperative associations to merge the St. Louis and Ozark orders. The three cooperative associations did not offer any evidence, however, that would support the deletion of these four counties and agreed that they should be included if they were served predominantly by Ozarks handlers. If these counties were deleted from the marketing area, the two handlers at Fayetteville would not be regulated. Thus, deletion of the counties would expand the area of competition of regulated handlers and unregulated handlers. This condition could result in inequitable situations for regulated handlers as compared to unregulated handlers with sales in the same areas and potentially could lead to disorderly marketing conditions. These counties, therefore, should continue to be part of the regulated area.

Of the other eight Arkansas counties proposed to be added to the regulated area, five should be included. These are Baxter, Carroll, Madison, Newton, and Searcy. The majority of the Class I sales in the five-county area is made by handlers now regulated under the Ozarks order. Two of these handlers are the handlers located at Fayetteville, Ark. The Fayetteville handlers would be regulated under the proposed merger by virtue of their sales in other areas (Benton, Boone, Marion, and Washington counties) which it has been concluded should be in the merged marketing area. The two Ozarks handlers located at Springfield, Mo., also have sales in the proposed counties. The percentage of Class I sales in each county made by handlers presently regulated under the Ozarks order are Baxter County, 85 percent; Carroll County, 76 percent; Madison County, 100 percent; Newton County, 47 percent; Searcy County, 60 percent. Other sales of lesser quantity in the five-county area are principally by handlers regulated under the Central Arkansas milk order. The majority of sales, however, are by Ozarks handlers and the five-county area is a proper addition to the merged marketing area.

With respect to the three other Arkansas counties, Fulton, Izard, and Stone, the proponent handler qualified his support, stating that he did not intend that any marketing area expansion should bring under regulation a presently unregulated handler at Batesville, Ark. Inasmuch as the handler at Batesville, sells in each of these three counties, he would be likely to become regulated if any of them were included. The handler at Batesville does not have sales in any of the other proposed counties. In view of the qualifications stated by the proponent

and the record evidence, it is concluded that these three counties should not be brought under regulation at this time.

It is concluded that the nine Arkansas counties, Baxter, Benton, Boone, Carroll, Madison, Marion, Newton, Searcy, and Washington, should be included in the merged St. Louis-Ozarks marketing area. These counties constitute a unified sales area for handlers which are presently regulated under the Ozarks order. For one of the major handlers, whose plant is located at Springfield, Mo., the sales in these counties constitute approximately 25 percent of his total Class I disposition. The other regulated handler whose plant is located at Springfield, Mo., has sales in seven of these counties. There are no Class I sales by unregulated handlers in these counties. While handlers regulated by another order do have Class I sales in some of these counties, the applicable regulation would not be changed by their inclusion in this marketing area. Under the provisions of the proposed order and the existing orders for Central Arkansas, Fort Smith, and other orders in this region a plant is regulated under the order applicable to the marketing area where the plant has a greater proportion of its Class I disposition.

A proposal was contained in the notice for the hearing held at Fayetteville, Ark., November 2, 1966, which would have deleted Benton, Boone, Marion, and Washington Counties, Ark., from the Ozarks marketing area and transferred Benton, Boone, and Washington Counties to the Fort Smith marketing area. This proposal was not supported at that hearing and, accordingly, in a decision issued June 28, 1967 (32 F.R. 9693) the proposal was not adopted. In view of the preceding findings in this decision, deletion of the four counties from the Ozarks marketing area would not be in the interest of orderly marketing. Further, if they were deleted from the Ozarks marketing area and transferred to the Fort Smith order, this could result in the regulation of one of the Springfield, Mo., handlers under the Fort Smith order. This would tend to result in a distortion of the milk pricing structure within this region, inasmuch as the Fort Smith order price at the Springfield, Mo., location is substantially higher than the Class I price under the Ozarks order.

It is concluded that all of the milk and milk products disposed of in the defined marketing area (to be designated the St. Louis-Ozarks marketing area) is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products. The marketing area is comprised of portions of three states. Milk produced in Iowa, Wisconsin, and Illinois, is marketed in portions of the marketing area in Missouri, and milk produced in Missouri is marketed in portions of the marketing area in Arkansas.

The recommended order adopts in principle many of the provisions of the present St. Louis Order No. 62. Substan-

tive changes from the St. Louis order provisions are explained in the findings and conclusions herein.

To accomplish the merger effectively and equitably, the assets in the custody of the market administrator in the administrative, marketing service, and producer-settlement funds established under the present orders No. 62 and 67 should be combined when the merger of the two orders is effective. Liabilities of such funds under the individual orders should be paid from the newly combined funds and obligations due to such funds under the separate orders should be paid to the combined funds under the merged order. To distribute the funds under either or both orders and accumulate the necessary reserve would entail unnecessary administrative expense with no advantage to either handlers or producers. Administrative efficiency and equity among handlers and producers can best be served by merging the funds of the two orders.

When the merger is effective, Part 1067 will be superseded by such action.

2. *Milk to be priced and pooled.* The milk to be priced and pooled under the proposed order is milk eligible for fluid consumption from sources which constitute the regular and dependable supply for the market.

The sanitary requirements relative to the production processing and sale of fluid milk are substantially the same throughout the proposed marketing area. Throughout the area, fluid milk products sold under a Grade A label must be approved by health authorities who are governed by the health ordinances and practices patterned after those prescribed by the U.S. Public Health Service Ordinance and Code. While the health ordinance of the city of St. Louis, Mo., requires additional standards, there is reciprocity of approval between the St. Louis health department and the Springfield, Mo., health department. Thus, between these two major cities of the marketing areas to be combined, a relationship of health approval exists so that the milk is interchangeable. From time to time milk supplies are shifted from the Ozarks to the St. Louis market without impediment. Further, the extensive movement of milk both in the form of packaged and bulk fluid milk products within the present marketing areas and from these areas into areas proposed to be added demonstrates the general acceptability throughout the proposed St. Louis-Ozarks marketing area of milk under the various sanitary jurisdictions.

From time to time a handler regulated under this order may receive milk from sources outside of the area under the jurisdiction of health authorities in the marketing area. Accordingly, it should be provided that milk approved as Grade A by any duly constituted health authority shall be eligible to be received as producer milk.

Certain definitions are needed in the order to identify the milk to be priced and pooled. The definitions contained in the proposed merged order follow the

usual pattern of Federal orders, including definitions of "producer," "handler," and the various types of plants handling milk in the market.

There are two principal types of plant operations involved in the handling of the milk supply for the market, the first being the type of plant which processes, packages, and from which distribution is made on routes, and the second type being a supply plant which primarily serves to assemble milk for shipment to distributing plants or to handle the reserve milk for the market.

The definition of "distributing plant," applicable to plants with route disposition in the marketing area, would be essentially the same in application as the terms "city plant" and "approved plant" in the St. Louis and Ozarks order, respectively. Such plants would be approved by a duly constituted health authority for the processing or packaging of Grade A milk. A distributing plant would be either regulated or unregulated, depending upon whether it meets the requirements for pool distributing plants.

The pooling requirements for distributing plants would be much the same as in the present orders. Inasmuch as the new order would regulate the same plants as are now regulated under the two orders, and it is not anticipated that additional distributing plants would be brought under regulation, the existing pool requirements would be generally appropriate. These requirements are primarily that route disposition of the plant equal at least 50 percent of receipts of Grade A fluid milk products from various sources, with route disposition in the marketing area equal to at least 10 percent of such receipts or 7,000 pounds per day. One change, however, would include in the route disposition packaged fluid milk products sold to another distributing plant. In the case of a plant receiving such packaged milk, both the receipt and the disposition would be excluded from the quantities upon which its pool qualifications are calculated. The existing provision of the St. Louis order that a distributing plant which qualifies as a pool plant by performance during 1 month would continue to be pooled during the subsequent month is retained to allow the plant operator this much notice that his plant may become unregulated.

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 market-

ing 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.

The definition of the supply plant also would be essentially similar to the definitions in the current orders (called a "country plant" in the St. Louis order) which apply to plants shipping to distributing plants. The new definition would be more specific with respect to receipt of milk from such plant at distributing plants. The term would include also any plant operated by a cooperative association or under contract to such association, which qualifies for pooling on the basis of deliveries of member milk to distributing plants either directly from the farm or through the cooperative plant. Other supply plants would be regulated or unregulated, depending upon whether they meet the requirements for pool plants.

The pooling requirements for supply plants in the proposed merged order would be somewhat different from the requirements in either of the existing orders. The present St. Louis and Ozarks orders establish shipping requirements in terms of a percentage of the Grade A milk received from dairy farmers at a plant. The St. Louis order also allows a cooperative to qualify a plant without meeting specific shipping requirements if 50 percent of the milk deliveries of member producers during the preceding 12 months have been shipped from farms to pool distributing plants to pool supply plants of other handlers, or transferred from the cooperative's plant to city distributing plants.

Most of the supply plants currently pooled under the two orders are operated by cooperative associations or are under contract to cooperative associations. Under modified provisions applicable to plants operated by cooperative associations described in subsequent findings, all of these plants are expected to qualify for pooling on a basis that does

not require a specified quantity of shipments from such plants to distributing plants. Thus, percentage shipping requirements are not expected to be relevant to pooling the existing supply plants.

The order should contain shipping requirements, however, which would apply to any other supply plant which supplies milk to the market. The requirement in the proposed order would be that any supply plant may qualify as a pool plant during any month, by shipping at least 50 percent of its receipts from dairy farmers to plants which qualify as pool distributing plants. Only plants at locations beyond the distance from which direct delivery from farms to distributing plants is practical would be expected to qualify on the basis of shipments from the plant. At lesser distances, qualification by shipments is impractical. With respect, however, to plants for which shipments are the only practical method of supplying the market, the 50 percent shipping requirement is reasonable and commonly used in Federal orders. It is necessary that such standard be established for plants which are to be pooled, for otherwise the returns from Class I sales in the market could be dissipated to sources which do not represent a regular supply for the market. It is reasonable to require that at least half of the milk receipts of a plant be used to supply the market if the plant is to be accorded pool plant status. Such a requirement compares with the 50 percent requirement cooperatives are expected to meet with respect to the milk of their members. It is concluded that the 50 percent shipping requirement is an appropriate standard for this purpose.

It is recognized that the pool supply plant handles a reserve supply for the market which would not be drawn upon as much during higher production months as during months of low production. It is therefore provided (as in the present St. Louis order) that such plant could continue to qualify during the months of March through August without shipments if it had qualified in each of the prior months of September through February on the basis of actual shipments. The Ozarks order contains a similar provision.

Higher supply plant shipping requirements were requested by the cooperative associations who asked for the merged order. Their proposal was that shipments of 60 percent of the Grade A receipts of the plant during the month of October, 70 percent in November, and lesser percentages in other months to distributing plants would be required.

The proposed higher requirements in October and November are not related to any prior experience under either of the orders, nor is it known whether they would be suitable to the operation of any plants on which the market might depend for a regular supply of milk. Such requirements would mean that the entire receipts from such a plant would be unregulated and ineligible to participate in pool returns although more than half of the milk from such plant was used

to supply distributing plants. In the absence of any specific data relating the proposed percentages to the operations of particular plants or to needs of the market, the proposal seems inconsistent with the principle of pricing and pooling milk which is primarily associated with the market. The proposed higher requirements for these months therefore are not adopted.

The order should allow a cooperative association to pool a supply plant without specific shipping requirements if the major function of the cooperative is to supply milk to pool distributing plants. It shall be provided that such a plant qualify for pooling if 50 percent or more of the total producer milk of member producers is delivered to pool distributing plants either directly from farms or through association plants. Qualification as a pool plant would be allowed if the association met this percentage in either the current month or on the basis of total shipments during the 12-month period ending with the current month. A similar provision was supported by cooperative associations requesting the merger of the two orders, although their proposal required delivery of 60 percent of member milk for 12 months. Their proposal would also count deliveries to supply plants as well as to distributing plants as a basis for qualification.

The proposal by the cooperatives, except for requiring 60 percent deliveries, is the same as the provision of the St. Louis order which qualifies the plant of cooperative association if during the prior 12 months 50 percent of member producer milk is delivered to pool distributing plants, either directly or through the association plant or is delivered from farms to supply plants.

The provision for pooling a cooperative association reserve plant recognizes that most producers of the market have converted to farm bulk tanks, and therefore large quantities of milk may be moved long distances from farms to city distributing plants without moving through a supply plant. In many cases, therefore, it would be inefficient to require that the milk move through a supply plant in order for the plant to be pooled. The plants operated by the cooperative associations, nevertheless, do handle the reserve milk of the market when it is not needed at the distributing plants. Therefore, they serve a purpose similar to that of plants qualifying for pooling on a shipping basis.

While direct shipment from farms to distributing plants may ordinarily be the most efficient method of handling, some milk may move through the reserve plant to distributing plants. The pool qualifications of the cooperative plant, therefore, should be based on the combined deliveries to distributing pool plants whether through the plant or direct from member producers' farms. An exception would need to be made if such plant qualified for pooling under another order on the basis of shipping more of its Grade A receipts to plants regulated under the other order than the qualifying deliveries made to plants under this order. In such case, to avoid conflict with other order

regulations, the plant should not be pooled under this order.

Provision that a cooperative may meet the qualification requirements either on a single-month or 12-month basis will afford flexibility to different types of operations in meeting the pooling standards. In some instances it will be possible for a cooperative to meet the requirement on a 12-month basis although in a few of the months member deliveries may fall below the required percentage. On the other hand, the single-month basis for qualification will allow a cooperative to pool a reserve plant on the first month in which it meets the percentage requirement.

The higher percentage for deliveries (60 percent) proposed by cooperative associations should not be adopted. The requirement now in the order is 50 percent. This requirement is preferable to a higher percentage for reasons similar to those relating to supply plants.

The cooperative association also proposed that a plant operated by or under contract to a cooperative association be able to qualify as a pool plant on another basis. This would depend on the proportion of milk receipts of all distributing plants in the market furnished by the cooperative association (or federation of cooperatives). Under such a provision, if the cooperative delivers 60 percent of the total producer milk received during the month at all pool distributing plants, then a plant operated by such association or federation would qualify as a pool plant.

While furnishing 60 percent of the supply of all distributing plants represents a substantial supply function in the market, there is a difficulty inherent in this kind of a provision. There would be no limit on the quantities of milk which could be pooled in this manner without any relation to the purpose of serving the fluid market. Thus, although the cooperative association (or federation) would supply 60 percent of all the milk used by distributing plants, nevertheless, the cooperative could include in the pool unlimited additional quantities of milk merely by identifying such milk with the plant proposed to be pooled. The proposal therefore is considered to be unworkable unless some limit were placed on the quantity of reserve milk which would be associated with the milk the cooperative association furnishes to distributing plants. If such a limit were included in the provision, the requirements for the embodied plants would be essentially similar to the requirements in the other provision previously discussed applicable to plants operated by a cooperative association. It is concluded, therefore, that this additional proposed provision for qualifying cooperative plants is not needed and should not be adopted.

The proponents for the merged order asserted that a plant operated by or under contract to a cooperative association should be allowed to qualify as a pool plant only after meeting the requirements during every month of the preceding 12-month period. Although this provision is now in the St. Louis order it is not adopted in the proposed

merged order. Such a provision would mean that while a high proportion of a cooperative's member milk is delivered to pool distributing plants during an initial 12-month period, the cooperative would nevertheless be denied the use of its plant as a reserve pool plant. It is not clear what would be accomplished in terms of orderly marketing under such restriction on a new cooperative association. It would, in fact, during the 12-month period, deny the cooperative association a reserve pool plant while current performance might well be greater than that of other cooperative associations who under such a provision are allowed reserve pool plant status for their plants. It is not necessary to limit the pooling of a reserve plant on the basis proposed. The provisions, with respect to supply plants adopted herein, would provide sufficient identification of the plant with the market to justify pooling such plants.

A special provision should be made for any plant which qualifies as a pool plant under the proposed order and at the same time qualifies under another order as a fully regulated plant. The present provisions of the Ozarks and St. Louis orders, with respect to such plants, should be modified to allow a distributing plant to remain a pool plant under the proposed order until the third consecutive month in which the plant makes greater Class I disposition in the other marketing area. This will afford the handler reasonable notice that the regulation of his plant will shift from one order to another unless he adjusts his operations to prevent such a shift. To avoid possible conflict of two orders, however, the effect of this provision should be limited in case the other order does not release the plant from regulation during the first 2 months of the period in which the plant makes greater disposition in such other marketing area.

Inasmuch as other orders may have similar provisions, it is provided in this proposed order to exempt a distributing plant from full regulation until the third month in which it has greater disposition in this marketing area than in another Federal order marketing area where it also qualifies as a fully regulated plant.

The order should also exempt a supply plant which meets the pooling requirements under both this and another order if greater qualifying shipments from such plant are made during the month to plants regulated under another order than are made to plants regulated under this order. Such exemption should not apply, however, if the operator of such plant chooses to retain automatic pooling status under the St. Louis order during the months of March through August. Since in these months the plant is qualified under this order without making any shipments currently, there is not an appropriate basis for deciding the applicable regulation only by comparing shipments to both markets.

The definition of producer-handler should be amplified to reflect modern dairy marketing practices and to make

clear that the entire operation represents the personal enterprise and risk of the producer-handler. A producer-handler may be allowed to receive milk from pool plants since the classification provisions of the order would assure that the value of such milk as Class I would be fully reflected in the market pool. While the present definition precludes receipt of other source milk, certain exceptions should be allowed. The producer-handler should be able to supplement his own production with receipts of packaged milk from any plant regulated under another order, inasmuch as this form of receipt would be classified and priced under the other order. Thus, there would be assurance that such a source of milk for the producer-handler would not tend to undermine the pricing under this order.

Further, a producer-handler may be allowed to receive nonfluid milk products, but only to the extent that such products are used to fortify fluid milk products for route disposition. The privilege to use nonfluid milk products for fortification would not extend to reconstitution of fluid milk products for Class I disposition. It would not be feasible to allow the producer-handler exemption to apply to a plant operation which thus uses other source milk items as a supply for Class I disposition, since this could result in a significant cost advantage compared to regulated handlers. Any plant disposing of reconstituted fluid milk products in the marketing area should be subject to the applicable order provisions relating to fully regulated or partially regulated plants. Similar consideration would apply if the plant operator reconstituted the skim milk portion of a milk substitute.

The definition of "route disposition" should be modified from the corresponding provision of the St. Louis order to put it in terms of disposition of fluid milk products, and to include deliveries of packaged fluid milk products to pool distributing plants. The latter change will serve to include packaged transfers to distributing plants in the pool qualification of plants making such disposition.

The handler definition of the St. Louis and Ozarks orders are in most respects the same. The merged order, however, would modify the definition of a cooperative association as a handler on bulk tank milk delivered to pool plants. Both cooperative proponents and a principal handler requested that the plant operator receiving the milk be allowed to be the handler if the cooperative and the plant operator agree on such an arrangement. The plant operator would in this case agree to pay for the milk on the basis of the farm bulk tank measurement readings and butterfat tests from samples taken at the farm.

The provision now in the order recognizes that a cooperative association which operates tank truck pickup routes, or which contracts for such farm pickup, would ordinarily be the only agency having direct access to the information as to individual producer milk weights and butterfat tests. It would be impractical,

therefore, to require the plant operator to pay for the milk on the basis of farm measurements over which he has no control and cannot verify and which may differ in total from the amount delivered to his plant. The St. Louis and Ozarks orders, therefore, provide for the cooperative association to be the responsible handler to account for the receipt of such milk from producers.

In this market, however, much of the milk is received by plant operators under agreement with the cooperative association that payment will be on the basis of farm bulk tank measurements taken by the cooperative or its agent, and for butterfat based on samples taken from the farm bulk tank. The proposal of the cooperatives would be based on this method of payment, and would be supported further by notification to the market administrator of agreement between the association and the plant operator that the latter will be the responsible handler under the order for reporting receipts of milk from the individual producers. Since this proposal removes difficulties that otherwise would arise in requiring the handler to pay for milk on the basis of farm weights and butterfat tests, it is adopted.

On the other hand if the cooperative association and the plant operator do not operate under an agreement that the plant operator will pay for the milk on the basis of farm weights and butterfat tests, then the cooperative association should be required to be the receiving handler for the producers on its bulk tank pickup routes.

There may be instances, also, in which the plant operator normally pays a cooperative association for farm bulk tank milk on the basis of farm weights and samples and yet does not wish to be the handler for reporting individual producer weights and tests under the order. In this case, the cooperative association would be required by the order to be the handler with respect to bulk tank milk it assembles from members' farms for delivery to a pool plant.

The definition of producer milk would be similar to the present provision in the St. Louis order. The limitation with respect to diversion, however, would require a greater proportion of a producer's deliveries to be made to pool plants. Diversion of a producer's milk to nonpool plants not regulated by another order would be allowable on any day in the months of March through August, and in other months for not more days of production of each producer than the number of days of his production physically received during the month at pool plants. On this basis the milk of a producer could be diverted in any month of the September-February period for about half of the month, providing the producer's milk was physically received during the month at least the same number of days at pool plants. Milk of a producer diverted beyond such limitation would not be producer milk.

This will provide a better identification of the producer as part of the reliable supply for the market than current St.

Louis order provisions which allow diversion to an unregulated plant on any day during the months of March through August and in any other month for as much as 16 days. The present provision does not require in the September-February period any specific amount of deliveries to a pool plant during the same month in which a producer's milk is diverted.

Also the current provision with respect to diversion to other order plants allows up to 16 days' production to be diverted without any specific requirement as to the amount to be delivered from the same producer during the month to pool plants. This provision also is modified to require delivery to pool plants for a number of days of production equal to the number of days of production diverted.

The cooperatives, in supporting their proposal, claimed that existing provisions have been abused by a practice of identifying a producer's milk with a pool plant through a few days delivery, and then diverting the producer's milk to the maximum extent to a nonpool plant.

The revised provisions are expected to eliminate the incentive to continue this type of diversion. The revised provisions will allow, however, for orderly handling of market reserve milk.

3. *Classification and allocation.* The expanded St. Louis-Ozarks order should provide for two classes of milk as do the present orders. Class I milk would be principally that disposed of as route disposition of fluid milk products or held in packaged form as inventory. Class II milk would be principally the skim milk and butterfat used to produce manufactured dairy products, milk products dumped, milk products disposed of to commercial food establishments, and shrinkage of skim milk and butterfat. This classification is for the most part similar to that in the present orders and as proposed by the cooperative associations at the hearing.

The modifications of the classification provisions (compared to the present orders) are relatively limited and are primarily concerned with the classification of yogurt, sour cream, sterilized products in hermetically sealed containers, and the classification of inventory.

Sour cream disposed of under a Grade A label should continue to be classified as Class I milk. Under sanitary regulations in the marketing area, sour cream is required to be made from Grade A milk and the finished product must be labeled Grade A. In the present St. Louis order, sour cream products to which cheese or any food substance other than a milk product has been added and which contains not more than 15 percent butterfat is distinguished as a product type separate from regular sour cream. The order classifies such a product as Class II milk. Such sour cream mixtures, often referred to as "dips", need not be labeled Grade A. Accordingly, for purposes of classification, it is preferable to make the distinction between these products and unmodified sour cream on the basis

of whether the finished product is labeled Grade A rather than on the basis of the percent of butterfat content. The present Ozarks order classifies sour cream mixtures on this basis, and the cooperative associations proposed this method of classification for the St. Louis-Ozarks order.

Sterilized products hermetically sealed in metal or glass containers, sterilized either before or after sealing so as to prevent microbial spoilage should be classified as Class II milk. Sterile products so packaged may be distributed regionally from central locations. Grade A requirements for supplies used in the preparation of the products have not been generally established. In these circumstances the product sources are not readily identifiable as related to the Grade A supply requirement of the market.

Inventories of fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should be classified as Class II milk.

Classification of packaged inventories of fluid milk products as Class I milk, rather than as Class II milk, will diminish the monetary importance of their exact location in the distribution system of the handler as of the end of the accounting period. Previously, administrative feasibility has generally required that products accounted for as inventory under these orders be limited to those physically located in the plant where processed. Packaged milk moved to distribution points has thus been classified as Class I milk disposition even though it may be on hand at the distribution point at the end of the month. Handlers have thus been paying the Class I milk price of one month for products disposed of from the processing plant, but held elsewhere in their distribution system, and that of the following month in inventories of packaged milk held in their processing plants. Under the system herein recommended the extent of this difference will be substantially reduced or eliminated.

The adoption of the plan of classifying all fluid milk products on hand in packaged form at the end of the month as Class I milk will, in the long run, affect neither handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs by the difference between the Class I and Class II prices on the volume of packaged milk inventory held in plants. This increase in cost represents an earlier payment for Class I products which will normally be disposed of as Class I in the following month.

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.

To accommodate this change in the classification of fluid milk products in packaged form in inventory, the allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other order markets and before making the other assignments therein provided. Inventory of fluid milk products in bulk form would continue to be handled as under the present provisions of the orders.

Determination of shrinkage is part of the classification procedure. The proposed order would require plant shrinkage to be computed for each plant of each handler rather than on a combined basis for all plants of a handler. Since separate reports would be required for each plant covering its receipts and utilization, the shrinkage computation for each plant would be part of this reporting procedure. Separate reports and shrinkage for each pool plant will preclude a handler operating two or more plants from offsetting shrinkage in one plant against overage in another. This requirement should apply whether or not there are transfers between the plants of the handler.

If milk products are transferred between pool plants of the same handler, the same care should be given to recording the weights and tests of milk so transferred as is given to transfers to pool plants of other handlers. Separate shrinkage computations for each plant are necessary to make the accounting requirements for the multiple pool plant operator similar to the accounting required of the operator of an individual plant.

The calculation of shrinkage as provided in the two orders should be modified in a few respects for purposes of the merged order.

In the case of a handler purchasing bulk tank milk from a cooperative association, 2 percent allowance should apply if the plant operator files notice with the market administrator that he is purchasing such milk on the basis of farm weights and butterfat tests based on samples taken at the farm. Under such condition, this allowance would apply whether or not the plant operator elects to be the handler as previously described with respect to milk assembled from producer farms on tank truck pickup routes operated by a cooperative association.

It is commonly recognized that some shrinkage may occur between pickup at the farm in tank trucks and delivery to pool plants. An allowance of one-half percent is commonly allowed for such shrinkage. The new shrinkage provision would similarly allow one-half of 1 percent on milk diverted to milk plants if the plant operator does not purchase the milk on the basis of farm weights and butterfat tests.

The proposed transfer provisions are generally the same as in the present orders with few modifications. The classification of skim milk and butterfat transferred or diverted to a nonpool plant located more than 350 miles from the St. Louis city hall, however, is based on shortest highway distance, rather than on airline mileage as in the present orders. This change was proposed by the cooperative associations to conform with the manner in which milk is moved and which is recognized as the practical measurement for distances under milk orders. The 350 mile limit from St. Louis encompasses all the manufacturing facilities now used by handlers under either order for disposal of excess supplies of milk. It should also be noted that cream transferred to a nonpool plant may be classified as Class II milk if prior notice is given to the market administrator and each container is labeled by the shipping handler as "non-Grade A" cream for manufacturing use only. This change from the present term in the orders of "Grade C" merely updates the order language to meet current trade practices.

Allocation. After the classification has been determined for all milk and milk product disposition, or use, at each plant, the class uses so determined would be allocated to plant receipts. The allocation provisions of the merged order conform closely to provisions of the St. Louis and Ozarks orders with modifications as explained herein.

In the case of a multiple plant handler, it is provided that this allocation is on an individual plant basis unless the handler has receipts of other source fluid milk products assigned to Class I under such allocation. In the latter case, it is required that allocation be made on a system basis including milk receipts and disposition at all of the handlers' plants. System allocation is necessary under the circumstances to avoid a disproportionate assignment of producer milk to the Class II milk in the handler's system. Such unfavorable allocation of producer milk to Class II would occur if the handler's receipts of the other source milk were at a plant with a higher Class I utilization than the average in his system. The system allocation will assure that receipts of other source milk to be prorated to Class I and Class II utilization will receive classification based on class use in the handler's system.

Receipts from handler pool markets. Milk received from an individual handler pool market should be allocated separately from other receipts and the receiving handler should be obligated to the producer-settlement fund for the class use value of such milk in excess of the weighted average price.

Transfers of milk from a handler pool Federal order market have been received frequently in this market during the past several years, and at times in substantial quantity. Although this milk is priced under another Federal order, it nevertheless has been a disturbing factor in the market. This is due to the certain characteristics of marketing under a handler pool order and privileges of cooperative

associations in marketing and paying membership.

The particular incentives for a cooperative association in a handler pool market to make Class I sales into other markets having market pools, does encourage the use of handling practices and pricing practices which, in many circumstances, tend to undermine the pricing structure of the receiving market. The proposal considered here is intended to neutralize the particular incentives and advantages associated with the transferring of milk from a handler pool market to this market to the extent that such advantages depend on circumstances other than a difference in Class I prices under the two orders. The proposal would not prevent inter-market transfers.

The proposal made by the cooperative associations in this market is that in the case of milk received at a pool plant from a handler pool market the handler should pay into the producer-settlement fund any amount by which the class use value of such milk exceeds the uniform or weighted average price. It is concluded herein that under circumstances in this market, such a payment would be a proper method of neutralizing the special advantages and incentives associated with such transfers.

The interorder transfers are arranged by a cooperative association in the handler pool market, which acts as a marketing agent for this milk whether the milk originates from members or from other farmers who qualify as producers under that order. The milk transferred is identified, however, with a plant regulated under that order, and accordingly priced under the North Central Iowa order at that location.

An essential element of the problem is that the cooperative association is able to offer the milk to handlers in the St. Louis-Ozarks market under circumstances that do not require it to recover all handling costs as well as the class prices for such milk under the North Central Iowa order. Proponents gave data showing that the price paid to the farmers supplying the milk was less than the handler uniform price calculated under the North Central Iowa order for the cooperative handler. During 1966 the average price received by those dairy farmers was about 21 cents less per hundredweight than the order blend price for the cooperative handlers. The inference is that the portion of the cost not recovered by the cooperative is absorbed by members by accepting a price for their milk which is less than the handlers' order blend price. The requirements upon a cooperative in paying its members, however, are not the same as apply to other handlers with respect to payments to producers. The cooperative association may blend the proceeds of its sales in all markets for the purpose of distributing returns to its members. Thus, any failure to recover all costs is reflected in the prices paid to members for milk.

There is a particular incentive for a cooperative in a handler pool market to dispose of milk in other markets, be-

cause there is a direct relationship between the association's Class I disposition in all markets and the returns to its member producers. None of the returns from such Class I disposition are shared with other producers in the market as in the case of market pooling. Thus, each Class I disposition the cooperative handler can make in another market provides a direct reward to members in the form of a higher blend price.

There may be greater incentive for such association to increase Class I sales in other markets rather than its home market. The opportunity for increasing Class I sales in the home market may be very limited, particularly if the association is already furnishing most of the supplies in the market. Further, there may be reluctance to disturb the competitive situation in the home market.

In addition, the objective of a handler under an individual handler pool order (whether or not a cooperative association) disposing of milk in another market may be principally to dispose of reserve supply. In this manner he avoids the depressing effect on his blend if such milk were used for manufacturing purposes. On the other hand, such sales to a market pool market depress the uniform price to producers in the market pool.

Under an order with a market pool, such incentives do not exist to the same degree for a cooperative association as a handler to dispose of reserve milk in another market. To the extent that the returns for such sales must be shared in the market pool with producers who are not members of the association, the benefits are diminished.

Failure to recover all costs of handling does not negate the incentive for promoting sales in other markets if the cooperative in the handler pool market, nevertheless, thus achieves a high Class I use. The gain from such high Class I use can greatly exceed the loss of handling charges not recovered. Such opportunity to gain higher returns for members even while absorbing losses on handling is a particular characteristic of a handler pool market, since the returns from all sales go directly to members and are not shared with other producers.

The availability of other order milk offered to St. Louis handlers at less than total costs is inconsistent with the established pricing under the orders involved, and therefore is disruptive and renders difficult the maintenance of the established class pricing system and orderly marketing conditions. The proposal adopted herein is intended to counteract the disruptive conditions.

The proposed provision applicable to the quantity of handler pool milk received would require payment into the producer-settlement fund of any excess of utilization value over the weighted average price. This would serve to neutralize the special advantages, as described, which would otherwise accrue to the pool handler so obtaining a supply for fluid use and the supplier(s) in the handler pool market. Such special advantages to receiver and supplier would

be likely only when the receiving handler has a utilization higher than the normal Class I utilization level in the St. Louis-Ozarks market. If the receiving handler's utilization were the same as the market average, the transfer would not likely provide a means for the supplier in the handler pool market to improve his utilization, and thus such special advantages to the receiver and supplier(s) would be voided by this circumstance. In no case should a reverse equalization payment apply if the classification of the intermarket transfer represents a value less than the weighted average price, since any payment out of the pool would be a depletion of the funds in a manner tending to support procurement for surplus use.

The proposed provision would require that the receiving handler pay into the producer-settlement fund part of the class use value of the milk he received from the handler pool. The remaining money value would not be a money obligation against the handler under the St. Louis-Ozarks order. It would be the basis, however, for computing the equivalent allocation to classes for the purpose of a report to the market administrator of the handler pool market. From such allocation to class uses the obligation of the shipping handler would be determined under the handler pool order. The St. Louis-Ozarks market administrator would determine this allocation to classes as being that classification which is equivalent to the value of the credit allowed the receiving handler on this milk in computing his obligation to the producer-settlement fund.

4. (a) *Differentials over basic formula price.* The merged order should provide for four Class I milk price zones. The Class I milk price for Zone I (St. Louis area) should be the basic formula price plus \$1.16, subject to applicable supply-demand adjustments. The Zone II (Cape Girardeau area) Class I milk price should be 15 cents higher than the Zone I price. The Zone III (Southwest Missouri area) and in Texas County, Mo., the Class I milk price should be 25 cents lower than the Zone I price and the Zone IV (Arkansas counties) Class I milk price should be 8 cents lower than the Zone I price.

The geographic price relationships would remain the same between plants located in St. Louis and Springfield, Mo., and between St. Louis and Cape Girardeau, Mo. At other points where regulated plants are located, the changes in the location adjustments would generally reduce the existing differences between plant locations. The pricing zones are more particularly defined as follows:

ZONE I

(MISSOURI COUNTIES)

Crawford.	St. Louis.
Franklin.	Warren.
Jefferson.	Washington.
St. Charles.	City of St. Louis, Mo.

and the territory within Scott Military Reservation, and East St. Louis, Centerville, Canteen, and Stites Townships, and city of Belleville, all in St. Clair County, Ill.

ZONE II

(MISSOURI COUNTIES)

Cape Girardeau. Perry.
Bollinger. Ste. Genevieve.
St. Francois.

ZONE III

(MISSOURI COUNTIES)

Barry. Stone.
Christian. Taney.
Douglas. Webster.
Green. Wright.
Howell. Ford Leonard Wood
Laclede. Military Reserva-
Lawrence. tion.
Ozark.

ZONE IV

(ARKANSAS COUNTIES)

Baxter. Marlon.
Benton. Newton.
Boone. Searcy.
Carroll. Washington.
Madison.

The level of Class I prices at the St. Louis (Zone I) location as related to the basic formula price also would continue to be the same as under the present order, except insofar as a different supply-demand adjustment might apply. The effect of the equivalent price factor, which has been minus 24 cents based upon the supply-demand adjustment under the prior Chicago milk order terminated May 1, 1966, is incorporated into the price formula in arriving at the level of the Class I differential at the St. Louis location.

The pricing plan proposed by the three cooperative associations in the two markets is not adopted. The producer plan would have established a relationship between the price at St. Louis and at Springfield, Mo., based on the relative distances of these cities from Madison, Wis. This would produce a Class I price at Springfield, Mo., 31 cents per hundredweight higher than at St. Louis. The producers' proposal did not call for any change in the level of Class I price at St. Louis, nor at Cape Girardeau, where the price is 15 cents higher than the St. Louis city price.

A further element of the pricing plan of producers would allow a transportation credit for milk moved from the southwest Missouri area to the city of St. Louis. The Class I price on such milk would be 27 cents under the St. Louis price, and thus 58 cents less than the price for other Class I disposition by regulated plants located in southwest Missouri. The amount of this transportation allowance would be blended with the value of the other milk in the southwest Missouri area.

Proponents reasoned that the level of Class I prices in all midwestern markets should graduate upward in proportion to the distance from a Wisconsin location. Within the proposed merged marketing area, the principal result of this pricing plan would be to increase the Class I price in southwest Missouri 56 cents per hundredweight. Further, this would reverse the present price relationship between St. Louis and southwest Missouri by making the Springfield, Mo., price 31 cents higher than the St. Louis price rather than 25 cents lower, as at

present. It was argued that the historical basis for a price lower than St. Louis, based on the St. Louis price less cost of transportation for delivery to St. Louis, is no longer valid, because a diminishing quantity of milk is drawn from this area by the St. Louis market.

The further argument was offered that if the excess supply in southwest Missouri were distributed among the markets in the region that this additional volume in the other markets would have very little effect on their blend prices. Presumably this argument was intended to mean that within the region of southwestern United States the proportion of reserve milk is not excessive.

The primary reason why the price in southwest Missouri (Zone III and Texas County, Mo., where a pool supply plant at Cabool is located) cannot be increased, as proposed by producer associations, is that in this area milk production exceeds local fluid outlets by a wide margin. In 1966 about 512.5 million pounds of Grade A milk were produced in southwest Missouri and priced under either the St. Louis or Ozarks orders. Of this quantity about 232.2 million pounds were used as Class I milk under the Ozarks order and about 63.5 million pounds were shipped to St. Louis plants.

The remainder, about 216.8 million pounds, or more than 42 percent of the total production, does not have a Class I market. In these circumstances it cannot be concluded that a higher Class I price than at present is needed to assure an adequate supply.

The history of milk production in southwest Missouri shows that order prices have been adequate to encourage an increasing milk production for Grade A outlets. The total milk pooled under the Ozarks order increased from 190.5 million pounds in 1960 to 349.7 million pounds in the year 1966. Production of milk per farm unit also increased during the same period, from an average daily production of 506 pounds in 1960 to 746 pounds in 1966. During all this period the Class I price level under the Ozarks order has been established by a differential relationship to St. Louis, approximately 25 cents per hundredweight (annual average) less than the St. Louis Class I price. It is concluded, therefore, that the price level in southwest Missouri (Zone III) has been sufficient not only to maintain milk production but also to encourage an increasing level of milk production.

Although the overall demand for the milk produced in this area has resulted in greater fluid use, this increase has not kept pace with the increase in production. During the period of 1960 through 1966 while Class I disposition of Ozarks pool plants increased 73 percent, receipts of producer milk increased 84 percent in the same period. The percentage of Class I utilization of Ozarks producer milk during 1966 averaged 66.4 percent, lower than in the 3 preceding years of 1963, 1964, and 1965, which averaged 72.2, 72.0, and 73.1 percent, respectively. The utilization in 1966 was, however, higher than the 62.2 percent average Class I utilization in 1962.

As pointed out by proponents, the volume drawn by the St. Louis market from this area has diminished. During 1966 the quantity of milk shipped from southwest Missouri to St. Louis monthly averaged 5.3 million pounds, or about 10 percent of the quantity of producer Class I milk under the St. Louis order. During the previous year monthly shipments averaged about 7 million pounds.

A level of price in southwest Missouri locations higher in relation to other markets than at present would tend to discourage the movement of milk from this area into other markets. The effect of the cost of shipment to the St. Louis market is one example of this effect on the price level in southwest Missouri. Thus, the pricing scheme proposed by producers would tend to hinder the establishment of outlets for this milk which could exert an effective demand and result in increased Class I use.

In view of the foregoing considerations there is no basis for changing the existing relationship between Class I price levels in southwest Missouri (Zone III and in Texas County, Mo.), and St. Louis (Zone I). The Class I milk price at locations in Zones II and IV are discussed in these findings under the heading "location adjustments".

It was proposed that the Class I butterfat differential be reduced to the level of the Class II butterfat differential. This proposal should not be adopted.

The present Class I butterfat differentials in the two orders are identical. They are determined for each month by multiplying the Chicago 92-score butter price by 0.12. The Class II butterfat differentials, also identical in both orders, are determined by multiplying the Chicago butter price by 0.115. The resulting butterfat differentials apply to each one-tenth of a percent of butterfat above or below 3.5 percent.

Producers contended that lower butterfat differentials for Class I milk would encourage use of more butterfat in fluid milk disposition and would increase sales of cream. This was intended to bring about a closer balance between butterfat content of producer milk and utilization of butterfat in Class I milk.

It was not clear from testimony whether proponents expected that the adoption of their proposal would materially affect returns to producers. It is apparent, of course, that reducing the Class I butterfat differential would to some extent increase skim milk values. Proponent cooperatives did not offer specific testimony to justify such increase.

When the Class I value of butterfat is the same as the Class II value no essential monetary gain for producers is made if handlers shift a proportion of their butterfat use from Class II to Class I. There is no basis here to conclude that higher butterfat content of Class I milk products would stimulate sales. In some respects consumers have shown increasing preference in recent years for fluid products with lower average butterfat content. Since the evidence is inadequate to make a determination that any benefits would result from the producers'

proposal, and it could reduce returns, the proposal is not adopted.

(b) *Supply-demand adjustor.* The consideration of proposals on this record dealing with a supply-demand adjustor are deferred for further consideration on this record.

(c) *Location adjustments.* The location differential system applicable to Class I prices at plants and to uniform prices payable to producers delivering to plants at various locations would be modified from existing order provisions. The mileage used would be shortest highway mileage as determined by the market administrator rather than airline miles. This change was proposed by a cooperative association to conform with the manner in which the milk is moved and in recognition that this is the normal method in which distances are measured under milk orders. The location adjustments at pool plants outside the marketing area would be based on such mileage distance from the city hall in St. Louis, Mo. The rate of location adjustment outside the marketing area and more than 30 miles from the St. Louis city hall would be 1.5 cents for each 10 miles or fraction thereof of distance from the city hall in St. Louis. At pool plants in the marketing area, location adjustments are provided by establishing differential Class I prices for designated zones.

All of the location price adjustments whether based on distance from St. Louis city hall or based on the location of the plant within the pricing zone of the marketing area would apply to the handler's obligation with respect to Class I milk and to the uniform price paid to producers for milk delivered to such plant. This would modify a procedure now applied to milk delivered to plants located in Arkansas presently regulated under the Ozarks order, where the uniform price to producers under the Ozarks order is adjusted by a differential of plus 25 cents multiplied by the percentage of Class I producer milk at these plants.

Changes in the location pricing would occur at several other plants which serve as reserve pool plants for these markets. Currently, the location differential deduction under the St. Louis order is 32 cents for the plant at Ozark, Mo., 27 cents at three other plants located at Cabool, Texas County, and Lebanon, Laclede County, Mo., and 34 cents at a pool plant located in Aurora, Mo. The merged order would establish a single Class I price level at these four locations (Zone III and Texas County, Mo.), 25 cents per hundredweight less than at St. Louis. The Effingham, Ill., location differential would be modified from minus 22 cents to an estimated 15 cents. While these changes represent nominal increases in the value of Class I milk at these locations, this is not expected to ordinarily result in higher Class I charges under the order to distributing plants of proprietary handlers. Receipts of milk at city distributing plants are increasingly direct receipts from farms in bulk tank trucks rather than from shipping plants. No change is made herein with respect to the relationship between the St. Louis

City price and other locations where regulated distributing plants now operate. Also, only a very minor proportion of receipts at distributing plants have been receipts from shipping plants on which Class I location differentials would apply. The primary result, therefore, of the changes in the location adjustments as described, would be to reapportion the value of the total marketwide pool to be paid to producers at various locations. The actual effect on the uniform price, if any, is estimated to be a minor fraction of a cent per hundredweight.

The proposed system of location adjustments reduces the amount of adjustment at points more than 30 and less than 40 miles distant from the city hall from 16 cents to 6 cents. There is no basis for a greater rate of adjustment at such location than for more distant locations. Distributing plants serving the main metropolitan area are located less than 30 miles from the city hall. It is public knowledge that the one small operation within the 30-40-mile zone in Missouri has discontinued operations. As under the present St. Louis order, no location adjustment should apply to plants located within 30 miles of the St. Louis city hall. In the nearby areas in Illinois, the St. Louis order provides a location adjustment of minus 10 cents for those locations in Madison, Monroe, and St. Clair Counties, and in Looking Glass, St. Rose, Breese, or Germantown Township in Clinton County, which are more than 30 miles from the city hall in St. Louis. All of this area is within a radius of 40 miles from St. Louis, Mo., and thus the revised location differentials would provide lesser deductions within this area, depending on the distance from St. Louis. This would result in a better coordination of pricing with the Southern Illinois order at all known plant locations.

The pricing for milk delivered to plants in that portion of the marketing area within the State of Arkansas (Zone IV) should be modified to reduce the differential of the Class I price at such locations over the Class I price at Springfield, Mo., and to make the difference of the uniform prices the same as the difference of Class I prices. Under the Ozarks order the Class I price in Arkansas counties is now 25 cents per hundredweight higher than for plants located at Springfield, Mo. The uniform price to producers at the plants in Washington and Benton Counties, Ark., reflects this 25 cents differential only to the extent that handlers in these counties use producer receipts in Class I.

The existing 25-cent plus differential for Class I milk at plants in Washington and Benton Counties was established in a decision of October 24, 1958 (23 F.R. 8342). Official notice is taken of this decision in which it was concluded that such differential should be increased from 15 cents to 25 cents to maintain an adequate market supply for handlers in this area. The basis for the increase at that time, was "the procurement competition in northwest Arkansas from Tulsa, North Texas, and Central Arkansas markets * * *". It was further stated that this differential was appropriate in rela-

tion to the alternative cost of milk from the Springfield, Mo., location including the cost of hauling. The previous 15-cent differential was established in the order under a decision of June 3, 1954 (19 F.R. 3374). That decision stated that milk from farms in this area was going to Dallas, Tulsa, and St. Louis markets. The decision also provided that "money received from handlers in payment of the 15-cent differential would be distributed to producers delivering to these handlers".

There are three Ozarks order handlers located in Washington and Benton Counties, two at Fayetteville and one relatively small operation at Rogers, Ark. One of the handlers located at Fayetteville contested the 25-cent differential which he pays for Class I milk over the price at the Springfield, Mo., location. He claimed that this is a competitive disadvantage in relation to prices paid by handlers who have route disposition of fluid milk products in the counties from plants located at Springfield, Mo. He claimed that the greatest differential which could be justified on the basis of hauling costs is 17 cents.

The availability of milk supply for handlers in Washington and Benton Counties, Ark., is substantially different than at the time the price differential was established. The largest part of the route sales of milk in these counties is made by the handlers whose plants are located at Springfield, Mo. Accordingly, the movement of milk from Springfield, Mo., into these counties must be regarded as the predominant factor in arriving at the appropriate price relationship. A very ample supply of milk is available to plants so located in southwest Missouri. This supply situation is, in effect, extended to the northern Arkansas counties by the dominant route disposition of Springfield handlers in such area.

The contention of the handler at Fayetteville that the proper hauling cost figure should be based on a rate of 1.5 cents per hundredweight per 10 miles of distance was not challenged on the record. This rate is commonly used in Federal milk orders and is the basis for location differentials in the proposed order. Improvements in transportation in recent years have affected economies in cost of the movement of milk as compared to costs at the time the present differential was established.

Further, uniform prices published by the market administrator show that the price for Washington and Benton Counties has often been less than 25 cents in excess of the uniform price at Springfield, Mo. In 1965 and 1966 the average of monthly differences in the uniform prices was 18 cents and 16 cents, respectively, and during the first 9 months of 1967 averaged 14 cents. To the extent that these differences were less than 25 cents, handlers' receipts in these counties were used as Class II milk. Thus the supply at these plants, to this extent, was in excess of fluid needs.

A further consideration is that the average difference of uniform prices between this location and Springfield, Mo., provides a measure of the relative values

of milk at the two locations. It is apparent that it does not require 25 cents per hundredweight more to procure milk in Washington and Benton Counties than the price required to procure an adequate supply at Springfield, Mo. In view of the foregoing considerations, it is concluded that the Class I price for plants in Arkansas counties of the marketing area (Zone IV) should be equal to the Springfield, Mo., price plus 17 cents. This differential more properly reflects the cost of hauling milk between these locations under today's conditions, and actual differences in uniform prices at the two locations do not support a difference greater than this.

No change should be made in the application of location adjustments to milk received at plants in Cape Girardeau, Perry, or St. Genevieve Counties, Mo. (Zone II). Producer associations proposed that the uniform price at such plants reflect the plus 15 cents over the St. Louis location only in the same proportion as producer milk received at such plants is used as Class I. This, however, would be inconsistent with the relative values of producer milk as delivered at the various locations of regulated plants. Testimony of proponent producer groups supported a differential of at least 15 cents between Cape Girardeau and St. Louis with respect to Class I prices. A like differential should apply to producer uniform prices to be consistent with such differential value and thus assure delivery of adequate supplies according to fluid needs.

Location adjustments to handlers apply only to Class I milk. Thus, at a plant where the order specifies a minus location adjustment, the Class I price for route disposition from such plant is reduced at the indicated rate per hundredweight. When a supply plant, at which a minus location adjustment applies, ships milk to another plant the question arises as to what part of such transfer should be subject to location adjustment credit. Still another problem arises in the case of a multiple-plant handler when the order requires that the allocation of his class uses be on a system basis rather than on individual plant basis.

Location adjustments in the case of transfers of fluid milk products between pool plants should apply to the extent that such transferred quantities are needed to supply the Class I requirements of the transferee plant.

The St. Louis order provision now assigns the Class I milk of the transferee plant (excluding Class I assigned to receipts from nonpool plants) first to direct receipts from producer's farms (up to 95 percent of such receipts) and then assigns remaining Class I to the transfers from pool plants with least minus location. This is for the purpose of preventing deductions for location allowance on shipments not needed for Class I.

At the hearing, producer cooperative associations proposed a different method of assigning location differentials to transfers between plants. They would continue the assignment to shipments from nearest plants, but would include in

this determination the shipments from nonpool plants as well as pool plants.

The difficulty with the proposed assignment is that the amount of location allowance, which is in fact deducted from the value of the market pool, would reflect Class I quantities assigned to nonpool sources. This method thus would be inconsistent with the allocation of class use to pool and nonpool receipts, and would not serve the essential purpose of limiting location allowance on pooled milk to the quantity needed to be transferred for Class I requirements. In the provision adopted, therefore, the quantities of Class I milk allocated to other source milk are excluded from the computation of location differentials applicable to transfers between pool plants.

The provision adopted is virtually the same as the present St. Louis order provision which has provided adequate incentive for interplant movements. In the adopted provision, assignment of location differentials to milk transferred between pool plants is based on the quantity of Class I milk remaining in the transferee plant after excluding Class I assigned to other source milk and after deducting from Class I the quantity of milk received directly from producers (up to 95 percent of such receipts). Beginning packaged inventory is also excluded, since the latter item would have been part of the prior month's assignment.

There are circumstances involving the operator of two or more plants which require that the allocation provisions of the order apply to such a handler on a "system basis" rather than on an individual plant basis. A method is therefore provided in the order to assign Class I milk of the handler's system to individual plants for the purpose of location adjustments.

Minus location differentials to handlers on Class I milk are credited from pool funds and are deductible from Class I values computed at the f.o.b. market Class I value in Zone I (St. Louis area). Such credit should be held to the minimum which will accommodate only the movement of milk needed to fulfill the requirements of the Class I market. Any greater deductions for transportation would unnecessarily lower returns to producers.

When milk is diverted from a pool plant to a nearby nonpool plant, there is no need to modify the returns to diverted producers on such milk. The uniform price at the plant from which the milk is diverted reflects the value of the milk in terms of the substantial association of the diverted milk with such pool plant. On the other hand, when milk is diverted from a pool plant to a nonpool plant at considerable distance, pricing such milk at the plant from which diverted would tend to distort the system of location differential pricing under the order and defeat its purpose.

Within the widespread production area for this market, the regulated plants with significant minus location differentials are mostly beyond 120 miles from St. Louis. In such areas, producers whose

milk is delivered to pool plants receive uniform prices at least 19.5 cents less than the uniform price at St. Louis. Milk diverted to nonpool plants in such outlying areas should receive the same price as if delivered to a pool plant at such location. Milk diverted to nonpool plants more than 120 miles from St. Louis would normally be from farms intermingled with dairy farms supplying nearby pool plants.

Without a provision as described, milk from producers in such areas distant from St. Louis could be received part of the time at St. Louis plants, be diverted on other days to a plant in the same area as the farm, and yet receive the St. Louis uniform price for both deliveries. The higher uniform price established by the order for milk delivered to St. Louis than for milk delivered to distant pool plants is intended to provide the necessary incentive for delivery to St. Louis plants when the milk is needed there. If the producer whose milk is diverted to a distant plant (beyond 120 miles) received the St. Louis uniform price on such milk he would be receiving a return out of the market pool intended for milk delivered to St. Louis when actually the milk is not so delivered.

The provision as drawn would apply to milk diverted to nonpool plants, whether regulated by another order or not regulated, beyond 120 miles from St. Louis. It is further provided that diversions to Missouri plants within 75 miles of the city hall in Springfield, Mo., would be priced at the Zone III price. This would result in consistent pricing for milk of producers in those areas of southwest Missouri where manufacturing facilities exist.

Milk diverted from a pool plant to another pool plant should in each case be priced to handlers and producers at the location of the plant to which diverted. There is no essential difference in the physical handling between milk received by a plant operator at his plant from his producers and milk received as diverted from other pool plants. Identical pricing for both types of receipts is therefore appropriate, and will prevent any advantage to a handler on milk received as diverted from a plant with a lower Class I price.

Milk diverted to another order plant does not involve a problem of location adjustment of class prices to the diverting handler since such diversions are limited to Class II milk.

5. *Miscellaneous and administrative changes.* In general the present St. Louis order has been used to construct the provisions of the order for the merger of the St. Louis and Ozarks orders. However, certain parts in addition to those specifically referred to herein have been revised to make all provisions more compatible with present marketing conditions in the handling of milk in the proposed area. The provisions referred to here do not change substantially the effect of the provisions of the order but merely serve to update the order language.

The present St. Louis order under the subject heading of "Reports of Receipts

and Utilization" requires that a handler report, in addition to the information specifically required, such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe. This provision is included in the order recommended herein. A handler objected to this provision on the basis that it gave the market administrator too broad authority. However, this handler could not cite any instances where he thought such authority had been abused. This provision is used in most all Federal milk orders as a means of providing the market administrator an opportunity to seek all necessary information to verify handlers' reports of receipts and utilization and should be adopted as proposed herein.

(a) *Exempt plants.* A milk plant operated by a governmental agency should be exempt from all provisions of this order. The record indicates there are several colleges and state institutions which maintain dairy herds and/or processing plants. These herds are kept in connection with the research and educational functions or for other reasons. Milk produced by the dairy herds at these governmental institutions are primarily for use at such institutions. These operations are relatively self-contained, with only small quantities of milk interchanged with other parties in the market.

Regulation of such an operation could be disruptive to the purposes of such agency's dairy operations and would not serve any useful purpose in effective order regulation for the market. It is provided, however, that any fluid milk products transferred or diverted from pool plants to an exempt plant operated by a governmental agency be classified as Class I milk. It is reasonable to assume that purchases by such agencies in the form of fluid milk products would be needed and used for Class I purposes. It is further provided that milk received at a pool plant from an exempt governmental agency be assigned first to Class II milk in the pool plant. Milk sold from a governmental agency to a pool plant clearly represents surplus to the institutions production, processing and consumption operations and moreover does not represent a reliable supply for the market and thus should be classified as Class II milk.

(b) *Payments to producers.* Certain dates with respect to announcement of payments to various funds and to producers should be adopted as proposed by proponents at the hearing. The dates as adopted herein would require each handler to make payment on or before the 17th day after the end of the month, during which the milk was received, to each producer for whom payment is not made to a cooperative association. Partial payments to producers and to cooperative associations in payment for milk received during the first 15 days of the month should be made on or before the last day of each month. It is provided that the responsibility for classification of producer milk received from a cooperative association in its capacity as a handler of bulk tank milk is that of the operator of the pool plant. Such producer milk is

assigned to the plant operator's utilization at the plant where received. The value of the milk as provided herein is included in the plant operator's net pool obligation at class prices. In turn the pool plant operator is required to pay the applicable market uniform price to the cooperative association for such milk. The plant operator is also responsible for paying the administrative assessment applicable to such milk. The procedures herein provided make for specific accountability on the part of cooperative associations and the operators of pool plants with respect to bulk tank milk under the control of cooperative associations. With operators of pool plants responsible for equalization in the market-wide pool with respect to such receipts from cooperative associations, classification and auditing procedures are simplified in the administration of the order.

(c) *Market services.* A marketing service deduction of 6 cents per hundredweight should be provided in the merged St. Louis-Ozarks order.

The present orders provide a maximum deduction of 5 cents per hundredweight for marketing services to be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide them with market information.

There are approximately 100 producers at the present time not members of a cooperative association, equal to less than 3 percent of the total number of producers in the combined St. Louis-Ozarks markets. These producers deliver milk to 11 different pool plants scattered throughout the merged marketing area.

For the most part, the market administrator presently employs cooperative associations to check the butterfat tests of producers who are not members of cooperative associations. These associations, however, have informed the market administrator that they cannot continue the check testing of butterfat at the rate now paid by the market administrator. Estimated costs of check testing these butterfat samples from a central laboratory exceed the present 5 cents per hundredweight rate. In this estimated cost no allowance was made for checking the accuracy of weights obtained at the farm from bulk tanks. The testimony also showed that for the most part there are no laboratories for employment to render such services.

Since the present number of producers that are not members of a cooperative association are few and scattered throughout the marketing area, it is reasonable to permit a maximum deduction for marketing services at 6 cents per hundredweight. It should be noted, however, that both the present and the proposed order provide that the Secretary may prescribe a lesser rate should the 6-cent rate produce more money than needed for the intended purposes.

(d) *Administrative expense.* The present rate of deduction for expense of administration should be 2.5 cents per hundredweight or such lesser amount as prescribed by the Secretary.

The maximum rate now provided in the Ozarks order for administrative expense is 5 cents per hundredweight but through administrative action only 1.5 cents per hundredweight is currently being assessed for the administration of the order. The maximum assessment now provided in the St. Louis order is 2.5 cents per hundredweight with 2 cents per hundredweight being the current assessment.

The rate of 2.5 cents per hundredweight should be adequate for the combined and expanded new order. The assessment, as now, should apply to each handler's receipts of producer milk including his own production, receipts from a cooperative association in its capacity as a handler of bulk tank milk and the quantity of unregulated other source milk allocated to Class I milk.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing 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 orders as amended regulating the handling of milk in the St. Louis, Mo., and Ozarks marketing areas 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:

DEFINITIONS

- Sec. 1062.1 Act.
- 1062.2 Secretary.
- 1062.3 Department.
- 1062.4 Person.
- 1062.5 Cooperative association.
- 1062.6 St. Louis-Ozarks marketing area.
- 1062.7 Producer.
- 1062.8 Handler.
- 1062.9 Producer-handler.
- 1062.10 Distributing plant.
- 1062.11 Supply plant.
- 1062.12 Pool plant.
- 1062.13 Nonpool plant.
- 1062.14 Producer milk.
- 1062.15 Other source milk.
- 1062.16 Fluid milk product.
- 1062.17 Route disposition.
- 1062.18 Chicago butter price.

MARKET ADMINISTRATOR

- 1062.20 Designation.
- 1062.21 Powers.
- 1062.22 Duties.

REPORTS, RECORDS AND FACILITIES

- 1062.30 Reports of receipts and utilization.
- 1062.31 Payroll reports.
- 1062.32 Other reports.
- 1062.33 Records and facilities.
- 1062.34 Retention of records.

CLASSIFICATION

- 1062.40 Skim milk and butterfat to be classified.
- 1062.41 Classes of utilization.
- 1062.42 Assignment of shrinkage.
- 1062.43 Responsibility of handlers and reclassification of milk.
- 1062.44 Transfers.
- 1062.45 Computation of skim milk and butterfat in each class.
- 1062.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

- 1062.50 Basic formula price.
- 1062.51 Class prices.
- 1062.52 Handler butterfat differentials.
- 1062.53 Location differentials to handlers.
- 1062.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

- 1062.60 Exemptions.
- 1062.61 Plants subject to other Federal orders.
- 1062.62 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

- 1062.70 Computation of the net pool obligation of each pool handler.
- 1062.71 Computation of uniform prices.
- 1062.72 Notification of handlers.
- 1062.73 Overdue accounts.

PAYMENTS

- Sec. 1062.80 Time and method of payment.
- 1062.81 Butterfat differential to producers.
- 1062.82 Location differential to producers and on nonpool milk.
- 1062.83 Producer-settlement fund.
- 1062.84 Payments to the producer-settlement fund.
- 1062.85 Payments out of the producer-settlement fund.
- 1062.86 Adjustment of errors in payments.
- 1062.87 Marketing services.
- 1062.88 Expense of administration.
- 1062.89 Termination of obligation.

MISCELLANEOUS PROVISIONS

- 1062.90 Effective time.
- 1062.91 Suspension or termination.
- 1062.92 Continuing power and duty of the market administrator.
- 1062.93 Liquidation after suspension or termination.
- 1062.94 Agents.
- 1062.95 Separability of provisions.

DEFINITIONS

§ 1062.1 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.).

§ 1062.2 Secretary.
 "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1062.3 Department.
 "Department" means the U.S. Department of Agriculture.

§ 1062.4 Person.
 "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1062.5 Cooperative association.
 "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:
 (a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and
 (b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1062.6 St. Louis-Ozarks marketing area.
 "St. Louis-Ozarks marketing area", hereinafter called the marketing area, means all the territory within the designated military reservations, the corporate limits of the cities and the counties enumerated below:

ZONE I

(MISSOURI COUNTIES)

- Crawford.
 - Franklin.
 - Jefferson.
 - St. Charles.
 - St. Louis.
 - Warren.
 - Washington.
 - City of St. Louis, Mo.
- and the territory within Scott Military Reservation, and East St. Louis, Centreville, Canteen, and Stites Townships, and city of Belleville, all in St. Clair County, Ill.

ZONE II

(MISSOURI COUNTIES)

- Cape Girardeau.
- Bollinger.
- St. Francois.
- Ferry.
- Ste. Genevieve.

ZONE III

(MISSOURI COUNTIES)

- Barry.
- Christian.
- Douglas.
- Green.
- Howell.
- Laclede.
- Lawrence.
- Ozark.
- Stone.
- Taney.
- Webster.
- Wright.
- Fort Leonard Wood Military Reservation.

ZONE IV

(ARKANSAS COUNTIES)

- Baxter.
- Benton.
- Boone.
- Carroll.
- Madison.
- Marion.
- Newton.
- Searcy.
- Washington.

§ 1062.7 Producer.

"Producer" means any person (other than a producer-handler as defined in any order including this part issued pursuant to the Act, or a person who is a producer under the terms of another order issued pursuant to the Act) who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

- (a) Received at a pool plant; or
- (b) Diverted as producer milk pursuant to § 1062.14.

§ 1062.8 Handler.

"Handler" means:
 (a) Any person who operates a pool plant;
 (b) Any person who operates a partially regulated distributing plant;
 (c) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant of another handler to a nonpool plant for the account of such association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association. In this case the milk is received from producers by the cooperative association at the location of the plant to which it is delivered. If however, both the cooperative association and the operator of the pool plant to which the milk is to be delivered notify the market administrator in writing that the operator of the pool plant will purchase the milk each month on the basis of the farm weights and butterfat tests as determined by the cooperative association, and such pool plant operator requests, he shall be the handler for receiving such milk at the pool plant from such producers; and

(e) A producer-handler, or any person who operates an other order plant described in § 1062.61.

§ 1062.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who

meets the qualifications specified in paragraphs (a) and (b) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production, fluid milk products from pool plants of other handlers, packaged fluid milk products from other order plants; and receipts of nonfluid milk products are used only to fortify fluid milk products; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1062.10 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

§ 1062.11 Supply plant.

"Supply plant" means a plant which qualifies as a pool plant pursuant to § 1062.12(c) or from which fluid milk products, acceptable to a duly constituted health authority for distribution under a Grade A label, are shipped during the month to and physically received at a distributing plant.

§ 1062.12 Pool plant.

"Pool plant" means:

(a) Any distributing plant, other than that of a producer-handler or one described in § 1062.61, which:

(1) Disposed of through route disposition fluid milk products in an amount equal to at least 50 percent or more during the month of such plant's total receipts of Grade A fluid milk products direct from dairy farmers, supply plants (excluding packaged fluid milk products from other pool plants) and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less, excluding disposition in either case of fluid milk products in packaged form received in such packages from other pool plant(s); or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

(b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests

the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments;

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests, and 50 percent or more of all the Grade A milk from farms of the members of such cooperative or federation is shipped to and physically received at pool distributing plants during either the current month or the previous 12-month period ending with the current month either direct from member farms or by transfer from such association plant(s);

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipment of more Grade A milk to plants which qualify as "pool plants" under such other order than qualifying deliveries pursuant to subparagraph (1) of this paragraph to pool plants under this order; and

(d) Any plant which qualified as a pool supply plant under the Ozarks order during each of the months of August 1967 through January 1968 or under the St. Louis order during each of the months of September 1967 through February 1968 shall be eligible to continue as a pool supply plant under this part through August 1968.

§ 1062.13 Nonpool plant.

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

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

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

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products labeled Grade A in consumer-type packages or dispenser units in the marketing area during the month; and

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

§ 1062.14 Producer milk.

"Producer milk" means milk produced by producers and received and accounted for as follows:

(a) By the operator of a pool plant (including a cooperative association) with respect to milk:

(1) Received at the pool plant directly from producers;

(2) Diverted by the operator of the pool plant to another pool plant or to a nonpool plant subject to the conditions of paragraph (c) of this section; and

(3) Received at the pool plant from a cooperative association in its capacity as a handler pursuant to § 1062.8(d);

(b) By a cooperative association with respect to milk:

(1) Which it receives from producers as a handler pursuant to § 1062.8(c), subject to the conditions of paragraph (c) of this section; and

(2) Which it receives from producers as a handler pursuant to § 1062.8(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1062.41(b)(10) or as Class I shrinkage; and

(c) Diverted pursuant to the following conditions with respect to each producer:

(1) By the operator of a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at the pool plant from which diverted;

(2) By the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.8(c) to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during each of the months of March through August and for not more days of production of producer milk than is physically received at pool plants (less the number of days production diverted pursuant to subparagraph (3) of this paragraph) during each of the months of September through February.

(3) By the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.8(c) as Class II milk to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is physically received at pool plants less the number of days production diverted pursuant to subparagraph (2) of this paragraph, if such milk is not fully subject to the pricing and pooling provisions of such other order;

(4) For pricing purposes, milk diverted pursuant to subparagraphs (2) and (3) of this paragraph to a plant located more than 120 miles from the city hall in St. Louis (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide) or milk diverted pursuant to subparagraph (1) of this paragraph, shall be deemed to be received by the diverting handler at the location of the plant to which diverted, except that if the nonpool plant is in Missouri and not more than 75 miles from Springfield, Mo., the price shall be the Zone III price; and

(5) For pricing purposes, milk diverted pursuant to subparagraph (2) or (3) of this paragraph to a plant located 120 miles or less from St. Louis (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received at the location of the plant from which diverted.

§ 1062.15 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts of fluid milk products during the month except:

- (1) Fluid milk products received from pool plants;
- (2) Producer milk;
- (3) Inventory of fluid milk products on hand at the beginning of the month; and

(b) Products, other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1062.16 Fluid milk products.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, milk drinks (plain or flavored) "modified or fortified", including "dietary milk products" and reconstituted milk or skim milk, sour cream and sour cream mixtures labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog, and sterilized milk and milk products hermetically sealed in metal or glass containers and so processed either before or after sealing so as to prevent microbial spoilage).

§ 1062.17 Route disposition.

"Route disposition" or "disposed of on routes" means any delivery of a fluid milk product from a distributing plant to a retail or wholesale outlet (including any delivery in packaged form to another pool plant or by a vendor, or a sale in packaged form from a plant or plant store) except a delivery in bulk to another pool plant or any delivery to a nonpool plant or to commercial food establishments pursuant to § 1062.41(b)(4).

§ 1062.18 Chicago butter price.

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

MARKET ADMINISTRATOR

§ 1062.20 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.

§ 1062.21 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.

§ 1062.22 Duties.

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

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of funds provided by § 1062.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1062.87) 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 surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports, pursuant to §§ 1062.30 through 1062.32; or

(2) Made payments pursuant to §§ 1062.80 through 1062.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address the prices determined for each month as follows:

(1) On or before the fifth day of each month the minimum price for Class I milk computed pursuant to § 1062.51(a) and the Class I butterfat differential pursuant to § 1062.52(a), both for the current month; and the minimum price for Class II milk computed pursuant to § 1062.51(b) and the Class II butterfat differential pursuant to § 1062.52(b), both for the previous month; and

(2) On or before the 10th day of each month the uniform price computed pursuant to § 1062.71 and the butterfat differential computed pursuant to § 1062.81, both for the previous month;

(j) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information;

(k) On or before the 10th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1062.8(d) in each class by each handler who in the previous month received milk from members of such cooperative association;

(l) Whenever required for purpose of allocation of receipts from other order plants pursuant to § 1062.46(a)(9) and the corresponding step of § 1062.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are assigned, and thereafter any change in such classification required to correct errors disclosed in verification of such report. In the case of milk received from an other order market pool plant the classification of such milk shall be the quantities assigned to Class I milk and Class II milk pursuant to § 1062.46. In the case of milk received from an other order handler pool plant the market administrator shall report the allocation to classes which he determines to reflect the value of the credit allowed to the receiving handler pursuant to § 1062.84(b)(2) with respect to such milk.

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

REPORTS, RECORDS, AND FACILITIES

§ 1062.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month; reports for such month shall be made to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Each handler described in § 1062.8(a) shall report with respect to each of his pool plants as follows:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk received both from producers and from cooperative associations acting as handlers pursuant to § 1062.8(d);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, with the identity of each source;

(2) Opening inventories of fluid milk products;

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities;

(i) Of bulk fluid milk products on hand at the end of the month;

(ii) Of packaged fluid milk products on hand at the end of the month; and

(iii) Of route disposition of fluid milk products in the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler described in § 1062.8(b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1062.8 (c) and (d), as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1062.8(c);

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler pursuant to § 1062.8(d); and

(4) Such other information as the market administrator may require.

§ 1062.31 Payroll reports.

On or before the 20th day after the end of the month each handler described in § 1062.8(a), for each of his pool plants, and each cooperative association with respect to milk for which it is the handler pursuant to § 1062.8 (c) and (d) shall submit to the market administrator the producer payroll and each handler making payments pursuant to § 1062.62(a) his payroll for dairy farmers delivering Grade A milk, which shall show for each producer or dairy farmer:

(a) The name and address;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The total pounds of milk diverted and the location of the plant to which diverted; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

§ 1062.32 Other reports.

(a) Each producer-handler and each handler exempt from regulation pursuant to § 1062.61 shall make reports to the market administrator at such time

and in such manner as the market administrator may request; and

(b) Each handler who receives milk from producers, payment for which is to be made to a cooperative association pursuant to § 1062.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 25th of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the seventh day after the end of the month:

(i) The total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 1062.86 (c) and (d).

§ 1062.33 Records and facilities.

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

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month.

§ 1062.34 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: *Provided*, That 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 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

§ 1062.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1062.30 shall be classified by the market administrator pursuant to the provisions of §§ 1062.41 through 1062.46. If any of the water contained in the milk from which a product

is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1062.41 Classes of utilization.

Subject to the conditions set forth in §§ 1062.43 through 1062.46 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 (including those reconstituted) except:

(i) Any fluid milk product fortified with added solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) Any fluid milk product classified pursuant to subparagraphs (2), (3), and (4) of paragraph (b) of this section; and

(2) In inventory of fluid milk products in packaged form on hand at the end of the month;

(3) Not specifically accounted for as Class II milk; and

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products disposed of for livestock feed;

(3) In fluid milk products dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Used to produce frozen cream;

(6) In inventory of bulk fluid milk products on hand at the end of the month;

(7) In that portion of "fortified" fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) (i) of this section;

(8) In shrinkage of skim milk and butterfat, respectively, assigned at each pool plant pursuant to § 1062.42(b) (1), but not to exceed the following:

(i) Two percent of receipts of producer milk; plus

(ii) One and a half percent of receipts of milk in bulk tank lots from other pool plants; plus

(iii) One and a half percent of milk received from a cooperative association which is a handler for such milk pursuant to § 1062.8(d), 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 butterfat tests from samples taken at the farm, the applicable percentage shall be two percent; plus

(iv) One and a half percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II milk

utilization was requested by the operator of such plant and the handler; plus

(v) One and a half percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II milk utilization was requested by the handler; less

(vi) One and a half percent of milk disposed of in bulk tank lots to other milk 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 butterfat tests from samples taken at the farm, the applicable percentages shall be 2 percent;

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1062.42(b) (2); and

(10) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1062.8 (c) or (d) not being delivered to nonpool plants and pool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1062.42 Assignment of shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be pro-rated between:

(1) Skim milk and butterfat, respectively, in the receipts included in § 1062.41(b) (8); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of that specified in § 1062.41(b) (8).

§ 1062.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1062.41 through 1062.46, §§ 1062.50 through 1062.54, and §§ 1062.70 through 1062.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1062.8(d) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1062.70. For purposes of location adjustment pursuant to § 1062.53 and administrative expense pursuant to § 1062.88, such milk shall be treated as producer milk of the receiving handler; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1062.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants in their reports pursuant to § 1062.30, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1062.46(a) (9) and the corresponding step of § 1062.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1062.46(a) (4) and the corresponding step of § 1062.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1062.46(a) (8) and (9) and the corresponding steps of § 1062.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler under this or any other order or transferred or diverted to a plant exempt pursuant to § 1062.60(b);

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall, St. Louis, Mo., except that cream so transferred may be classified as Class II milk if prior notice is given to the market administrator and each container is labeled by the transferor as "non-Grade A" cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall, St. Louis, Mo., 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 § 1062.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

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

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

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

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

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph the same conditions of audit, classification, and allocation shall apply; and

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

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

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under 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 or diversions in bulk form shall be classified as Class II milk to the extent of the Class II milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

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

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

(6) If the form in which any fluid milk products 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 § 1062.41.

§ 1062.45 Computation of skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1062.30 for each pool plant of each handler;

(b) Compute the pounds of skim milk and butterfat in each class:

(1) At each pool plant of each handler;

(2) In milk diverted from another handler's plant to a nonpool plant by a cooperative association pursuant to § 1062.8(c); and

(3) In milk accounted for by a cooperative association as shrinkage of milk handled by the association pursuant to § 1062.8(d); and

(c) In the case of the operator of more than one plant, allocation of producer milk to Class I and Class II milk pursuant to § 1062.46 (a) and (b) shall be on an individual plant basis unless pursuant to such allocation fluid milk products are assigned pursuant to § 1062.46(a) (8) or (9), and the corresponding steps of § 1062.46(b), in which case allocation pursuant to § 1062.46 shall be based upon the combined receipts and utilization (less transfers between pool plants) at all plants of the handler (i.e., on a system basis); and

(d) Compute for each cooperative association reporting pursuant to § 1062.30 (c) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1062.14(b) (1) and (2). The amount so determined shall be those used for computation pursuant to § 1062.46(c).

§ 1062.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1062.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

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

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1062.41(b) (8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

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

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

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

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

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1062.60 (b);

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II milk utilization; or

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

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk 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 milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective 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) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5) (i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5) (ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1062.22(1) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler;

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

(iii) The quantity of skim milk, if any, subtracted pursuant to subdivision (ii) of this subparagraph shall be assigned pro rata to the receipts from other order plants under market pool orders and under handler pool orders which were assigned pursuant to subdivisions (i) and (ii) of this subparagraph;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1062.44(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 milk. 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 and § 1062.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1062.50 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, 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 Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices through April 1968, the basic formula price shall not be less than \$4.05.

§ 1062.51 Class prices.

Subject to the provisions of §§ 1062.52 and 1062.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price for Class I milk at plants located in Zone I shall be the basic formula price for the preceding

month plus \$1.16, and plus 20 cents through April 1968.

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

§ 1062.52 Handler butterfat differentials.

If the average butterfat test of Class I or Class II milk as calculated pursuant to § 1062.46 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the Chicago butter price by the applicable factor listed below, and rounding to the nearest one-tenth cent;

(a) *Class I milk.* Multiply such price for the preceding month by 0.12; and

(b) *Class II milk.* Multiply such price for the current month by 0.115.

§ 1062.53 Location differentials to handlers.

For milk received from producers or from a cooperative association pursuant to § 1062.8(d) at a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraphs (f) and (g) of this section or for other source milk to which a location adjustment is applicable, the price at such pool plant located:

(a) In Zone I of the marketing area, shall be that computed pursuant to § 1062.51(a);

(b) In Zone II of the marketing area, shall be the Zone I price plus a location adjustment of 15 cents;

(c) In Zone III of the marketing area or in Texas County, Mo., shall be the Zone I price less a location adjustment of 25 cents;

(d) In Zone IV of the marketing area, shall be the Zone I price less a location adjustment of 8 cents;

(e) Outside the marketing area and Texas County, Mo., and more than 30 miles from the City Hall, St. Louis, Mo., shall be the Class I price applicable in Zone I, less a location adjustment of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the City Hall, St. Louis, Mo. (the distance to be by shortest hard-surfaced highway as determined by the market administrator);

(f) In the case of transfers between plants, location adjustment shall apply at the transferor plant with respect to a quantity of the transfer calculated as follows: From total Class I milk utilization at the transferee plant subtract inventory of packaged fluid milk products at the beginning of the month, Class I milk assigned to receipts from other order plants and unregulated supply plants, and 95 percent of the receipts from producers and from cooperative associations as handlers pursuant to § 1062.8(d); and assign the remaining Class I milk to receipts from other pool plants beginning with receipts from plants with plus location adjustment, then to receipts from plants with no location adjustment, and then in sequence

to receipts from plants at which the smallest minus adjustments apply.

(g) For purposes of calculations pursuant to this section, the following assignments of Class I utilization to pool plants will apply when allocation pursuant to § 1062.46 is performed on a system basis:

(1) Allocations to Class I pursuant to each of the following subparagraphs of § 1062.45 (a) and (b), will be assigned to the plant(s) at which any milk of the respective category was received or was in inventory, pro rata in each case to the respective quantities of such milk at each of such plants: § 1062.46 (a) and (b) (2), (3), (4), (6), (8), and (9); and

(2) If Class I utilization pursuant to § 1062.45(b)(1) remaining at a pool plant after subtraction of the quantities assigned pursuant to subparagraph (1) of this paragraph is greater than receipts from producers and other pool plants, Class I utilization equal to the amount of the excess will be assigned to the pool plant(s) of the handler at which an equivalent amount of producer milk is not otherwise assigned to Class I, and at which the rate of location adjustment most nearly corresponds to that of the plant with such excess Class I utilization. The amount so assigned to another pool plant shall be added to Class I utilization pursuant to § 1062.45(b)(1) in computing the assignment of location adjustments to receipts at such plant pursuant to paragraph (f) of this section.

§ 1062.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1062.60 Exemptions.

(a) *Producer-handler.* Sections 1062.40 through 1062.46, §§ 1062.50 through 1062.54, §§ 1062.61, 1062.62, 1062.70 through 1062.72, and §§ 1062.80 through 1062.89 shall not apply to a producer-handler; and

(b) *Governmental agency.* None of the provisions of this part except §§ 1062.13, 1062.44(b), and 1062.46(a)(4)(iii) shall apply to a plant operated by a governmental agency.

§ 1062.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in such other Federal order marketing area is greater

than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1062.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part.

§ 1062.62 Obligations of handlers 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 §§ 1062.30 and 1062.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1062.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or any other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1062.70(g) and a credit in the amount specified in § 1062.84(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; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to

§§ 1062.30 and 1062.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1062.12(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant; and

(b) An amount computed as follows:

(1) Determine the respective amounts of route disposition (other than to pool plants) of skim milk and butterfat disposed of 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 milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II milk price).

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1062.70 Computation of the net pool obligation of each pool handler.

The net pool obligation at each pool plant (or of each pool handler if allocation is on a system basis) and of each cooperative association as a handler pursuant to § 1062.8(c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1062.46(c), by the applicable class prices (adjusted pursuant to §§ 1062.52 and 1062.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1062.46(a)(11) and the corresponding step of § 1062.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II milk price for the preceding month

and the Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1062.46(a)(6) and the corresponding step of § 1062.46(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 § 1062.46(a)(3) and the corresponding step of § 1062.46(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 milk price applicable at the pool plant and the value at the Class II milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1062.46(a)(4) and the corresponding step of § 1062.46(b);

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1062.46(a)(8) and the corresponding step of § 1062.46(b); and

(g) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from a handler pool other order plant subtracted from each class pursuant to § 1062.46(a)(9)(iii), and the corresponding step of § 1062.46(b), at the applicable class prices pursuant to this part adjusted for location of the plant from which received.

§ 1062.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.70 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to §§ 1062.80 and 1062.84 for the preceding month;

(b) Deduct the amount of the plus differentials and add the amount of the minus differentials, which are applicable pursuant to § 1062.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1062.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

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

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1062.70 (f) and (g);

(f) Subtract not less than four 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 computations 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) From the remainder subtract during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of the total amount of producer milk included in these computations. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) Add during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section;

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

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1062.72 Notification of handlers.

On or before the 10th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1062.46 and 1062.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1062.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1062.80 and 1062.84; and

(e) The amount to be paid by such handler pursuant to §§ 1062.87 and 1062.88.

§ 1062.73 Overdue accounts.

Any unpaid obligation of a handler pursuant to § 1062.84, § 1062.86(a), or § 1062.88 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

PAYMENTS

§ 1062.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 17th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price computed pursuant to § 1062.71 for such producer's deliveries of milk, adjusted by the butterfat and location differentials computed pursuant to §§ 1062.81 and 1062.82, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment pursuant to § 1062.85, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the last day of each month, to each producer:

(1) To whom payment is not made pursuant to paragraph (c) of this section; and

(2) Who is still delivering Grade A milk to such handler, a partial payment with respect to milk received from him during the first 15 days of such month computed at not less than the Class II price for 3.5 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 14th day after the end of each month and on or before the 25th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which is received from members, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers; and

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1062.8(d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the amount prescribed in paragraph (b)(2) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 14th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for

milk in each class, subject to the applicable location and butterfat differentials.

§ 1062.81 Butterfat differentials to producers.

In making payments pursuant to § 1062.80(a), the uniform prices per hundredweight shall be adjusted by adding or subtracting for each one-tenth of 1 percent that the average butterfat content is above or below 3.5 percent a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1062.52 weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest one-tenth of a cent.

§ 1062.82 Location differentials to producers and on nonpool milk.

(a) For producer milk received at pool plants located outside Zone I and more than 30 miles from St. Louis city hall, there shall be added or deducted, as the case may be, an adjustment for each such plant for all milk at the rates specified in § 1062.53 (b), (c), (d), and (e); and

(b) For purposes of computations pursuant to §§ 1062.84(b)(2) and 1062.85, the "weighted average price" shall be adjusted at the rates set forth in § 1062.53 (b), (c), (d), and (e), applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1062.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.62, 1062.84, and 1062.86, and out of which he shall make all payments to handlers pursuant to §§ 1062.85 and 1062.86. The market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1062.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts (for each pool plant, if applicable) specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1062.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1062.80(d)(1) and (2); and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1062.80; 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 milk price) with respect to other source milk for which a value is computed pursuant to § 1062.70 (f) and (g); except that in the case of milk received

from a handler pool market the value applicable pursuant to this subparagraph shall not exceed a value equal to the quantities thereof classified in each class pursuant to § 1062.46(a)(9) multiplied by the applicable class prices adjusted to the location of the plants from which received.

§ 1062.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any (for each pool plant, if applicable), by which the amount computed pursuant to § 1062.84(b) exceeds the amount computed pursuant to § 1062.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1062.86 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1062.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 5 days of the date of such billing, make payment to the market administrator of the amount so billed;

(b) Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 1062.85, the market administrator shall promptly make payment to such handler;

(c) Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure; and

(d) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation, payment to such producer was in an amount more than was required to be paid pursuant to § 1062.80, no handler shall be deemed to be in violation of § 1062.80 if he reduces his next payment to such producer following discovery of such error by not more than such overpayment.

§ 1062.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 1062.80(a) with respect to all milk of such producer received by such

handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such money shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services; and

(b) 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 such deductions from the payments to be made directly to producers pursuant to § 1062.80(a) as are authorized by such producers, and on or before the 15th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 1062.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 2.5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1062.14(a)(3) and such handler's own production);

(b) Other source milk allocated to Class I milk pursuant to § 1062.46(a)(4) and (8) and the corresponding steps of § 1062.46(b); and

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

§ 1062.89 Termination of obligation.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information:

(1) The amount of the obligation;

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

(3) If the obligation is payable to one or more producers or to an association of producer, 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 representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset 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.

MISCELLANEOUS PROVISIONS

§ 1062.90 Effective time.

The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1062.91.

§ 1062.91 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the Act cease to be in effect.

§ 1062.92 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: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate;

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

(1) Continue in such capacity until removed;

(2) From time to time account for all receipts and disbursement and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

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

§ 1062.93 Liquidation after suspension or termination.

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

§ 1062.94 Agents.

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

§ 1062.95 Separability of provisions.

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

Signed at Washington, D.C., on March 18, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3426; Filed, Mar. 20, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8776]

AIRWORTHINESS DIRECTIVES

SIAI Marchetti S.205/22R Airplanes
Serial Nos. 213 Through 4-125

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to SIAI Marchetti S.205/22R airplanes. An inspection of an SIAI Marchetti S.205/22R airplane disclosed that the grommets used in the firewall and nose wheel well were not fireproof. Moreover, spaces where electrical cable lines pass through the firewall were not sealed. Since this condition is likely to exist or develop in other products of the same type design, the proposed AD would require the installation of sealing plates and fireproof sealant.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation 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 April 20, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313 (a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to Model S.205/22R airplanes, Serial Nos. 213 through 4-125. Compliance required as indicated.

To avoid the possibility of flames or harmful gases passing from the engine compartment into the cockpit or other parts of the airplane, within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, incorporate sealing plates and apply fireproof sealant "Stabond HT-4" or an FAA-approved equivalent at the firewall and nose wheel well, in accordance with SIAI-Marchetti Service Bulletin No. 205B19, dated January 13, 1968, or later RAI-approved issue, or FAA-approved equivalent.

Issued in Washington, D.C., on March 12, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-3417; Filed, Mar. 20, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-64]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Charlottesville, Va., control zone and 700-foot transition area.

A recent VHF/UHF DF emergency procedure revision and a review of the ADF and ILS instrument approach procedures requires additional airspace to protect aircraft executing these procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Charlottesville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Charlottesville, Va., control zone the words "Charlottesville-Albermarle" and substitute "Charlottesville-Albemarle" in lieu thereof. Delete the phrase "021° bearing from the Charlottesville RBN, extending from the 4-mile radius zone to the RBN" and substitute the following in lieu thereof, "within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 4-mile radius zone to 4.5 miles south of the Charlottesville RBN".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Charlottesville, Va., transition area the words "Charlottesville-Albermarle" and substitute "Charlottesville-Albemarle" in lieu thereof. Following the coordinates "latitude 38°08'25" N., longitude 78°27'10"

W.)" add "and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 6-mile radius area to 8 miles south of the Charlottesville RBN; within 2 miles each side of a line bearing 045° from a point 38°08'21" N., 78°27'00" W., extending from the 6-mile radius area to 8 miles northeast of that point."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on March 7, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3418; Filed, Mar. 20, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-67]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments to VOR Federal airway Nos. 8, 244, and 484.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace actions associated with the commissioning of a VOR in the vicinity of Montrose, Colo., at lat. 38°30'13" N., long. 107°53'41" W.

1. Realign V-8 south alternate segment from Hanksville, Utah, to Grand Junction, Colo., with a 1,200-foot AGL floor via the intersection of the Hanksville 087° T (072° M) and the Grand Junction 232° T (217° M) radials.

2. Realign V-244 segment from Hanksville to Gunnison, Colo., via Montrose. The airway floors for this segment of V-244 would be designated Hanksville 63 miles, 1,200 feet AGL, 13 miles, 14,000 feet MSL, 36 miles, 11,500 feet MSL, thence 1,200 feet AGL Montrose, 1,200 feet AGL Gunnison.

3. Realign V-484 south alternate segment from Grand Junction with a

PROPOSED RULE MAKING

1,200-foot AGL floor to Gunnison via Montrose.

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 Washington, D.C., on March 14, 1968.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 68-3419; Filed, Mar. 20, 1968;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Muscatine, 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.

A public use instrument approach procedure has been developed to serve the Muscatine, Iowa, Municipal Airport, utilizing a privately owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to designate a 700-foot floor transition area at Muscatine, Iowa, to provide protection for aircraft that will be executing this approach procedure. This approach procedure will be authorized concurrently with the designation of controlled airspace for its protection. IFR air traffic into and out of Muscatine will be controlled by the Chicago ARTC Center through the Moline, Ill., Flight Service Station.

In consideration of the foregoing, the Federal Aviation Administration pro-

poses to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

MUSCATINE, IOWA

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'15" N., longitude 91°08'45" W.).

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 March 5, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-3421; Filed, Mar. 20, 1968;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 68-EA-6]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot floor transition area over White Mountain Airport, North Conway, N.H.

A new NDB (ADF) Runway 33 instrument approach procedure has been developed for White Mountain Airport, North Conway, N.H., and will require designation of a 700- and 1,200-foot floor transition area to provide controlled airspace protection for aircraft executing the arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration having completed a review of the airspace requirements for the terminal area

of North Conway, N.H., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a North Conway, N.H., transition area described as follows:

NORTH CONWAY, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°01'25" N., 71°06'45" W.), of White Mountain Airport, North Conway, N.H.; within 2 miles each side of a 128° bearing from the North Conway, N.H., RBN (44°01'26" N., 71°06'59" W.), extending from the 5-mile radius area to 8 miles southeast of the RBN.

That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N.H., RBN extending from the east edge of B-63 to the northwest edge of the Portland, Maine, 1,200-foot floor transition area. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on March 7, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3422; Filed, Mar. 20, 1968;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Crewe Municipal Airport, Crewe, Va.

A new NDB (ADF) instrument approach procedure has been developed for Crewe Municipal Airport, Crewe, Va., and will require designation of a 700-foot floor transition area to provide controlled airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Crewe, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Crewe, Va., transition area described as follows:

CREWE, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°10'55" N., 78°05'55" W., of Crewe Municipal Airport, Crewe, Va., and within 2 miles each side of the 320° bearing from the Blackstone, Va., RBN extending from the 5-mile radius area to 18 miles northwest of the RBN. This transition area shall be effective from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on March 7, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-3423; Filed, Mar. 20, 1968;
8:47 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 68-SW-9]

RESTRICTED AREAS AND CONTROLLED AIRSPACE

Proposed Redesignation and Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would redesignate restricted areas R-5116B at White Sands Proving Grounds, N. Mex., and R-5114 at Fort Wingate, N. Mex., and add R-

5116B to the description of the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Air Force has requested the redesignation of Restricted Areas R-5114 and R-5116B for the period July 1, 1968, through December 31, 1968. R-5114 would be used by the White Sands Missile Range (WSMR) to conduct a new series of Ballistic Missile Target System (BMTS) missile launches, and by the Air Force to air launch a series of Hound Dog missiles. R-5116B would be used for flight of the Hound Dog missile from positive control airspace to lower altitudes prior to impact at WSMR, which underlies R-5107B.

These restricted areas have been used intermittently for similar projects since 1964, and the Air Force advises that they anticipate intermittent use of the areas for several years to come. Therefore, it is proposed that all subsequent firing periods for restricted areas R-5114 and R-5116B be designated by a rule published in the FEDERAL REGISTER.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

1. R-5114 Fort Wingate, N. Mex., would be redesignated as follows:

Boundaries: Beginning at lat. 35°27'00" N., long. 108°35'00" W.; to lat. 35°11'00" N., long. 108°13'00" W.; to lat. 35°04'40" N., long. 108°24'00" W.; to lat. 35°24'00" N., long. 108°38'00" W.; to point of beginning.

Designated altitudes: Surface to unlimited.

Time of designation: July 1, 1968, through December 31, 1968, as published in NOTAMS issued at least 12 hours in advance. All subsequent annual firing periods will be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

2. R-5116B White Sands Proving Grounds, N. Mex., would be designated as follows:

Boundaries: Beginning at lat. 33°45'00" N., long. 106°46'10" W.; to lat. 34°09'30" N., long. 107°16'15" W.; to lat. 34°16'45" N., long. 107°07'50" W.; to lat. 33°57'15" N., long. 106°44'00" W.; to the point of beginning.

Designated altitudes: Surface to FL 240, excluding the airspace below 6,000 feet MSL west of long. 106°52'00" W.

Time of designation: Sunrise to sunset, July 1, 1968, through December 31, 1968, as published in NOTAMS issued at least 12 hours in advance. All subsequent annual firing periods will be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

3. The description of the continental control area would be altered by adding Restricted Area R-5116B.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 13, 1968.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[F.R. Doc. 68-3420; Filed, Mar. 20, 1968;
8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS ET AL.

Redelegation of Authority by Alaska Land Office Manager

1. Pursuant to section 2.1, Bureau Order No. 701 of July 23, 1964 as amended, the following authority is hereby delegated to the Chief, Branch of Lands et al., of the Division of Lands and Minerals Program Management and Land Office.

a. Chief, Branch of Lands and Chief Lands Adjudicator, authority to take action for the Manager in matters listed in sections 2.2 (b), (d), and (k), 2.3 (a) and (c), 2.5 (b) and (c) and 2.9 of Part II of Bureau Order No. 701, supra. The authority in sections 2.2 (b) and (d) and 2.3 (a) and (c) is limited to those actions pertaining to Land Use. The authority in section 2.2(k) is limited to the Chief, Branch of Lands and may not be performed by one acting in his temporary absence.

b. Chief, Branch of Minerals and Chief Minerals Adjudicator, authority to take action for the Manager in matters listed in sections 2.2 (b) and (d), 2.3 (a) and (c), and 2.6 of Part II of Bureau Order No. 701, supra. The authority to take action on matters in sections 2.2 (b) and (d) and 2.3 (a) and (c) is limited to those actions pertaining to Minerals.

c. Chief, Branch of Title and Records, authority to take action for the Manager in matters listed in sections 2.2(c), 2.3 (c), 2.4(a) (4), 2.6 and 2.9 of Part II of Bureau Order 701, supra. The authority to take action on matters listed in sections 2.6 and 2.9 is limited to actions on applications, claims, offers, or notices filed, when any or all of the following conditions prevail: (1) The official land title and use records reveal that the land involved is unavailable; (2) the land description is inadequate to identify the land, or does not meet legal requirements of compactness, contiguity, or acreage, or is otherwise defective; (3) the filing is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) 43 CFR 2023.5 applies; (5) the applicant or offeror was not successful in a public drawing held to establish priorities of conflicting filings.

2.a. The Branch Chiefs may, by written order, designate any qualified employee of his Branch to perform the functions of the Branch Chief in his absence.

b. Each employee who serves in such capacity in (a) above, shall prepare a

memorandum to be kept in the Land Office showing the date and hour of the commencement and termination of each period of service in that capacity.

3. The authority delegated may not be redelegated except as provided in paragraph 2.

4. The redelegation of authority by the Land Office Manager, approved July 12, 1966 (31 F.R. 9751, July 19, 1966) is hereby canceled.

T. G. BINGHAM,

Manager, Land Office, Anchorage.

Approved: March 11, 1968.

BURTON W. SILCOCK,
State Director, Alaska.

[F.R. Doc. 68-3396; Filed, Mar. 20, 1968;
8:45 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 14, 1968.

Notice of a Forest Service, U.S. Department of Agriculture, application Sacramento 927 for withdrawal and reservation of lands for recreation areas was published as F.R. Doc. 67-11847 on page 13986 of the issue for October 7, 1967. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

T. 22 N., R. 11 E.,

Sec. 14, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22, Lots 1 and 6, and E $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m., on April 19, 1968, will be relieved of the segregative effect of the above mentioned application.

JESSE H. JOHNSON,

Acting Chief,

Lands Adjudication Section.

[F.R. Doc. 68-3397; Filed, Mar. 20, 1968;
8:45 a.m.]

[Montana 8128]

MONTANA

Order Providing for Opening of Public Lands

MARCH 13, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of

June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 15 N., R. 47 E.,
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 10 N., R. 54 E.,
Sec. 20, N $\frac{1}{2}$.

The area described contains 360 acres.

2. The above described lands are located in Prairie County, Mont. The lands are presently used for grazing livestock. The lands have rolling prairies that are adaptable to cultivation. Rainfall is marginal. The soils erode easily but are fertile and of good texture.

3. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the Multiple Use Classification of August 31, 1967, and the requirements of applicable law, the lands are hereby restored to the public domain status and open to application, petition, location, and selection. All valid applications received at or prior to April 22, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,

Land Office Manager.

[F.R. Doc. 68-3398; Filed, Mar. 20, 1968;
8:45 a.m.]

[Serial No. N-1815]

NEVADA

Notice of Public Sale

MARCH 15, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), and 43 CFR Subpart 2243, the Bureau of Land Management will offer seventeen 2.5-acre tracts of land at a sale to be held at 1:30 p.m., local time, Friday, May 10, 1968, at the Civic Auditorium, Carson City, Nev.

All of the tracts are located in Sec. 23, T. 15 N., R. 20 E. (Mount Diablo Meridian, Nevada). They are more particularly described below:

Tract No.	Legal description	Width and boundary of right-of-way reservations	Appraised value
1.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	50', N. and E.	\$3,700
2.	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	50', N. and W.	3,000
3.	NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	50', N. and W.	3,000
4.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	50', S. and W.	3,700
5.	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	50', S. and E.	1,600
6.	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	50', N. and W.	3,000
7.	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	50', S. and W.	1,400
8.	SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	50', S. and E.	1,000
9.	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	50', S. and E.	3,000
10.	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	50', N. and W.	3,700
11.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	50', S. and W.	3,000
12.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	50', S. and W.	3,700
13.	NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	50', N. and W.	2,200
14.	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	50', S. and W.	3,000
15.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	50', N. and E.	3,700
16.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	50', N. and E.	1,800
17.	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	50', S. and W.	3,000

Each tract will be offered to the highest bidder, but no bid will be accepted if it is for less than the appraised value of the tract, shown above. Costs of publication, if any, will be assessed proportionately among the successful bidders.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal.

Bids sent by mail will be considered only if received at the Bureau of Land Management, Carson City District Office, 807 North Plaza Street, Carson City, Nev. 89701, prior to 4 p.m., Thursday, May 9, 1968. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid. The envelopes must be marked in the lower left-hand corner: "Public Sale Bid, May 10, 1968, 1:30 p.m. Tract No. _____".

At the time of the sale, the authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder shall be required to pay immediately the amount bid together with any cost of publication. Personal checks will be accepted from successful oral bidders. The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected.

The lands will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. Sec. 945); subject to existing rights-of-way; and subject to the access and utilities rights-of-way listed above. All minerals will be reserved to the United States, and withdrawn from appropriation under the public land laws.

Tracts remaining unsold after the auction of May 10, 1968, will be reoffered at 9 a.m., on the first Wednesday of the following month, and subsequent months, at the Carson City District Office, 807 North Plaza Street, Carson City, Nev. 89701, until either all tracts are sold or the sale is terminated.

For further information write: Nevada Land Office, Bureau of Land Management,

Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-3399; Filed, Mar. 20, 1968; 8:45 a.m.]

OUTER CONTINENTAL SHELF OFF TEXAS

Oil and Gas Lease Sale; Correction

In F.R. Doc. 68-3066 appearing in the issue for Wednesday, March 13, 1968, at page 4477, make the following changes:

1. The date in last line of the second column should read "May 21, 1968" instead of "April 16, 1968."

2. In Map No. 5, the acreage total opposite Tract No. Tex. 248 should read "5,760" instead of "57,60."

IRVING SENZEL,
Assistant Director,
Bureau of Land Management.

MARCH 15, 1968.

[F.R. Doc. 68-3454; Filed, Mar. 20, 1968; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Docket No. AO 226-A16]

MILK IN PUGET SOUND, WASH., MARKETING AREA

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 order amending the order regulating the handling of milk in the Puget Sound, Wash., marketing area, which was attached to the decision of the Assistant Secretary issued March 1, 1968 (33 F.R. 4191), is approved or favored by the producers, as defined under the terms of the order, as 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 December 1967 is hereby determined to be the representative

period for the conduct of such referendum.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct the referendum for the Puget Sound, Wash., marketing area 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 shall be completed on or before the 30th day from the date this order is published in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 15, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68-3429; Filed, Mar. 20, 1968; 8:48 a.m.]

Federal Crop Insurance Corporation

[Notice No. 31]

BARLEY AND WHEAT, MONTANA

Extension of Closing Date and Time for Filing of Applications for 1968 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for barley and wheat crop insurance for the 1968 crop year in all counties in Montana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 15, 1968. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 68-3448; Filed, Mar. 20, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

U.S. GOVERNMENT-SPONSORED COMMODITIES

Voyage Charter Rate Guidelines

Effective as of March 21, 1968, notice is hereby given that the Acting Maritime Administrator has established the following voyage charter rate guidelines for full shiploads of bulk grain from U.S. Gulf ports to Bombay/Kandla, India, via the Suez Canal:

(1)—\$40.57 per ton of cargo carried on an EC-2, C-1, C-2, AP-2, and AP-3 Victories, or equivalent vessels;

(2)—\$38.54 per ton of cargo carried on a EC-2J, BXT2(S), C-3, or equivalent vessels;

(3)—\$35.04 per ton of cargo carried on a C-4C, AP-2J, or equivalent vessels;

(4)—\$28.46 per ton of cargo carried on BXT2(L), T-2J(S), T-2, Sabine, C-5, Seafarer, T-2J(L), Aldina, or equivalent vessels through 39,999 d.w.t.

Rates to other areas will be computed in conformity with the foregoing base rates on request of the shipper agencies as required, pending development of rate schedules.

Ships under 40,000 d.w.t. not listed above will be placed in one of the above rate categories on request of the shipper agencies. Rates for ships of 40,000 d.w.t. and over will require special rate determinations.

Incremental allowances including adjustments required by special circumstances such as for routing around the Cape of Good Hope and multiple ports of loading or discharge will be issued as required.

The rates so determined represent fair and reasonable voyage charter rates for the transportation of full cargo lots of U.S. Government-sponsored commodities on U.S.-flag vessels and do not apply to shipments for private account. Said rates contain no allowance for such items as delays due to port congestion, strikes, and labor disputes. It is, therefore, incumbent upon shipowners and operators to protect themselves from the consequences of such delays by the use of appropriate fair and reasonable charter terms.

Dated: March 20, 1968.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 68-3549; Filed, Mar. 20, 1968;
11:34 a.m.]

**Office of Foreign Direct Investments
BASE PERIOD REPORT (CANADA)
Form FDI-101**

The Office of Foreign Direct Investments announced the issuance of an Amended Form FDI-101. Amended Form FDI-101 includes original Supplements 1, 2, and 3 (Part A) and amended Supplements 3 (Part B), 4, 5, and 6. Amended Form FDI-101 is designed to show separately foreign investment transactions with Canada in keeping with proposed General Authorization No. 4 which was published in the FEDERAL REGISTER on March 12, 1968 (33 F.R., No. 49).

Notwithstanding the issuance of General Authorization No. 4 in proposed form, subject to revision and issuance after the public has been given the opportunity to furnish written comments, it is deemed essential and in the national interest that, following the exchange of letters announced on March 7, 1968, between the Secretary of the Treasury of the United States and the Finance Ministry of the Commonwealth of Canada, direct investors who have foreign investments, direct and indirect, both in Canada and in other countries should report data relating to Canada as separate entries on Amended Form FDI-101. The filing date for Amended Form FDI-101

shall be April 5, 1968. Best estimates, and other instructions in section E of the General Instructions to Form FDI-101 shall apply to the filing due on April 5, 1968. Direct investors all, or none, of whose foreign investments are in Canada should file the original Form FDI-101 by March 22, 1968. Any revisions of Form FDI-101 or Amended Form FDI-101, pursuant to section E of the General Instructions, shall be filed not later than May 6, 1968.

Amended Form FDI-101 and the Supplements are to be submitted to the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230. Amended Form FDI-101, the Supplements and related instructions may be obtained in Room 2119, U.S. Department of Commerce Building, Washington, D.C., from any of the 42 U.S. Department of Commerce Field Offices, or from any of the 36 Federal Reserve district and branch banks.

In addition, the Office announced miscellaneous corrections and amendments, as set forth below, to the Instructions for Completing the Base Period Report on Form FDI-101.

Miscellaneous corrections and amendments to the instructions to Form FDI-101. Additions to the Instructions for Completing the Base Period Report are indicated by quotes; deletions by brackets.

1. The first sentence in section G(3) on page 4 should be corrected to read as follows:

(3) If an affiliated foreign national located in "a Scheduled Area" [country] is not incorporated in "a country in that Scheduled Area" [that country], its earnings are not reported as earnings in lines 1, 2, and 3, but are reported in line 18.

2. The first sentence in section G(3) on page 4 of the paragraph following the first Example should read as follows:

Accordingly, earnings of a foreign corporation are computed by deducting earnings of a branch or subpart located in another "Scheduled Area" [country] (which is a separate affiliated foreign national).

3. The Specific Instructions to lines 4, 5, and 6 on page 4 should read as follows:

Dividends: Enter in these lines the direct investor's share of dividends paid by affiliated foreign nationals, including the direct investor's share of the dividends paid by an affiliated foreign national received by an intervening person. If an affiliated foreign national (upper tier subsidiary) receives a dividend on stock owned by it in a corporation (lower tier subsidiary) which is an affiliated foreign national of the same direct investor, then to the extent such dividend "(net of foreign withholding taxes in the country of the lower tier subsidiary)" is not in turn distributed by the upper tier subsidiary, the "net" dividend is reported on line 4 as a negative dividend in the Schedule Area in which the first tier subsidiary is located.

"Dividends received from affiliated foreign nationals within 60 days of the close of a year or quarter may be entered as having been received in the prior year, or quarter, provided this practice is elected on the Form FDI-101 first filed. If no such election is made, it cannot be made subsequently with-

out the prior approval of the Director. If such an election is made it must be followed for 1964 and all subsequent years unless prior approval to change is given by the Director."

4. The last paragraph of Specific Instructions to line 11 (Specified Transfers of Capital Between Affiliated Foreign Nationals in Different Scheduled Areas) on page 6 should read as follows:

The sum of the entries on line 11 for the three Scheduled Areas "and Canada" for each year should add up to zero "except in cases of certain transfers involving first and second tier affiliated foreign nationals where one of such affiliated foreign nationals is not incorporated in a country in the Scheduled Area in which it is located."

5. The Specific Instructions to line 12 (Net Foreign-Borrowed Funds Expended for Direct Investment) on page 6 should read as follows:

This amount is to be taken from line 11, Supplement 3, Part (B) according to the instructions to the Supplement. "However, if a transfer of funds in repayment or satisfaction of indebtedness, incurred before January 1, 1968, was made by the direct investor without reductions in the use of funds in items 7, 8, or 9 of Supplement 3 (Part B), such transfers which constitute transfers of capital under section 1000.312(g) of the regulations may be entered as negative entries on line 12 of Form FDI-101."

NOTE: Copies of Amended Form FDI-101, Supplements 1-6, and related instructions have been attached hereto and filed with the Office of the Federal Register as part of the original of the notice. The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: March 20, 1968.

JOSEPH W. BARTLETT,
Acting Director, Office of
Foreign Direct Investments.

[F.R. Doc. 68-3550; Filed, Mar. 20, 1968;
12:05 p.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-40]

ATOMIC DISPOSAL CO., INC.

Notice of Issuance of Amendment to Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to License 12-11286-1, as set forth below. This amendment provides for the following:

1. Renewal of the license for a period of 5 years.

2. Addition of Mr. Richard E. Haas as an individual authorized to conduct operations for Atomic Disposal Co., Inc.

Mr. Haas completed the Atomic Energy Commission fellowship program at Vanderbilt University and Oak Ridge National Laboratory in 1959. He has had 8 years experience as radiation safety officer and assistant professor of radiology at the University of Illinois Medical Center Campus. The Commission has determined that Mr. Haas is qualified to

conduct operations for Atomic Disposal Co., Inc.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2).

If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearings may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., March 15, 1968.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,

Division of Materials Licensing.

BYPRODUCT AND SOURCE MATERIAL LICENSE

[License 12-11286-1; Amdt. 4]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct operations in such manner as to protect health and minimize danger to life or property.

C. The application for license amendment dated December 20, 1967, and supplement thereto dated January 27, 1968, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, and are for purposes authorized by the Act.

D. The issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct and Source Material License No. 12-11286-1 is amended as follows:

Condition No. 2 is amended to read:

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and store byproduct and source material in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated December 20, 1967, and the supplement thereto dated January 27, 1968.

Condition No. 3 is amended to read:

3. Operations shall be conducted by Lewis F. Allocco or Richard E. Haas. The expiration date of the license is changed to March 31, 1973.

Date of Issuance: March 15, 1968.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,

Division of Materials Licensing.

[F.R. Doc. 68-3388; Filed, Mar. 20, 1968; 8:45 a.m.]

BUREAU OF THE BUDGET

TENNESSEE VALLEY AUTHORITY

Order Transferring Use, Possession, and Control of Certain Lands From Atomic Energy Commission

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(15) of Executive Order No. 11230 of June 28, 1965, it is ordered that the use, possession, and control of the land hereinafter described be, and it is hereby, transferred from the Atomic Energy Commission to the Tennessee Valley Authority for industrial development and use, such transfer being deemed necessary and proper for the purposes of TVA as stated in the Tennessee Valley Authority Act of 1933, as amended:

That certain tract of land designated on TVA land records as tract WBR-1790, the said land being a tract of land lying in the Second Civil District of Roane County, State of Tennessee, on the right bank of the Clinch River, approximately 1½ miles southeast of the mouth of Poplar Creek, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 555,582; E. 2,476,575) in the 750-foot contour on the northeast shore of Watts Bar Lake and on the south side of the intersection of the Bear Creek Road with the Cane Island Patrol Road; thence along the southeast side of the Bear Creek Road N. 65°52' E., 410 feet, crossing the Cane Island Patrol Road at approximately 50 feet, to a metal marker in a cut-off road; thence continuing along the southeast side of the Bear Creek Road approximately 75 feet distant from the road center line by bearings and distances as follows:

N. 61°44' E., 243 feet to a metal marker;
N. 41°30' E., 348 feet to a metal marker;
N. 35°26' E., 627 feet to a metal marker;
N. 39°40' E., 160 feet to a metal marker;
N. 45°53' E., 137 feet to a metal marker;
N. 52°33' E., 951 feet to a metal marker;
N. 52°11' E., 686 feet to a metal marker;
N. 48°57' E., 916 feet to a metal marker;
N. 51°07' E., 318 feet to a metal marker;
N. 55°04' E., 597 feet to a metal marker;
N. 50°56' E., 525 feet to a metal marker;
N. 52°20' E., 128 feet to a metal marker;

thence bearing away from the Bear Creek Road S. 35°12' E., 5,886 feet to a metal marker; thence S. 20°54' E., 394 feet to a metal marker; thence S. 19°13' E., 168 feet to a metal marker; thence S. 1°49' E., 186 feet to a metal marker; thence S. 3°17' W., 977 feet to a metal marker (Coordinates: N. 552,907; E. 2,484,729) on the south side of the Cane Island Patrol Road; thence S. 3°17' W., approximately ¼ miles to a point; thence, original mean low water line of the Clinch River (before inundation by Watts Bar Lake); thence with the said original mean low water line as it meanders downstream approximately ¼ miles to a point; thence, leaving the original mean low water line, N. 50° E., approximately 460 feet to the point of beginning, and containing 1,364 acres, more or less.

Furthermore, such appurtenant right, title, and interest as may attach to the

title of the above described land in and to the bed of the Clinch River.

The above described land is subject to the following:

1. Such rights as may be vested in the county to rights-of-way for roads.

2. Outstanding burial rights in and access rights to and from the Hensley Cemetery located in the southerly portion of the described land.

3. Easement reservations in favor of the U.S. Atomic Energy Commission for the following:

a. A right-of-way for an electric power transmission line on, over, and across a strip of land 150 feet wide, lying 75 feet on each side of the centerline of an existing electric power transmission line known now or formerly as the Kingston-Fort Loudoun Transmission Line, the centerline of the said strip being described as follows: Beginning at a point in the boundary of the above described land at or near the metal marker at the northeast end of that course identified in the above metes and bounds description by a bearing and distance of N. 65°52' E., 410 feet; thence with the centerline of the existing electric power transmission line approximately S. 40° E., 2,330 feet to an angle tower; thence approximately S. 21° E., 6,270 feet to an angle tower; thence approximately S. 60° E., 1,800 feet to a point in the original mean low waterline of the Clinch River and in the boundary of the described land.

b. A right of way for an electric power transmission line and communication line on, over, and across a strip of land 100 feet wide, lying 50 feet on each side of the center line of an existing electric power transmission line, the center line of the said strip being described as follows: Beginning at the metal marker in the boundary of the above described land at the southwest end of that course identified in the above metes and bounds description by a bearing and distance of N. 35°26' E., 627 feet; thence with the center line of the existing electric power transmission line approximately S. 61° E., 1,210 feet to an angle tower; thence approximately N. 88° E., 5,310 feet to a point in the boundary of the described land.

c. Access rights to and from and the right to operate and maintain an existing floating dock and boardwalk located approximately S. 30° E., 480 feet from a metal markers (Coordinates: N. 555,582; E. 2,476,575) at an angle in the boundary of the described land.

The positions of corners and directions of lines are referred to the Tennessee Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936.

PHILLIP S. HUGHES,
Acting Director of the
Bureau of the Budget.

MARCH 15, 1968.

[F.R. Doc. 68-3389; Filed, Mar. 20, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19650]

WEARING APPAREL FORWARDERS ET AL.

Notice of Proposed Approval

Application of Wearing Apparel Forwarders, Frank J. Brown et al., for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19650.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 15, 1968.

[SEAL]

A. M. ANDREWS,
Director,

Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

Application of Wearing Apparel Forwarders, Frank J. Brown, Maynard Bernstein, and

Harold DeQuardo, for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By joint application filed March 1, 1968, Wearing Apparel Forwarders (WAF), Frank J. Brown, Maynard Bernstein, and Harold DeQuardo request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the control relationships resulting from the ownership of Mr. Brown of 100 percent of the stock of WAF,¹ an applicant for domestic and international air freight forwarder authority, and his controlling interest, in varying amounts, in the following companies: A & B Garment Delivery (A & B); Garment Carriers Inc. (Garment Carriers), A & B Garment Delivery of San Francisco (A & B-SF); Randy's Delivery Service (Randy's); California Freightways (Freightways) and United Expressways (Expressways). All of these companies are intrastate surface carriers by motor vehicle, operating in the State of California and dealing primarily in the delivery of wearing apparel.

Approval is also sought, pursuant to section 409 of the Act, for the following interlocking relationships:

¹ WAF has applied to the California Corporation's Commissioner for authority to issue shares of stock to Brown. Upon receipt of a permit from the Commissioner WAF will issue stock to Brown, and Brown will own 100 percent of the stock.

	F. J. Brown	M. Bernstein	H. DeQuardo
WAF.....	President, Director.....	Director, Vice-President, Treasurer.	Director, Secretary.
A & B.....	do.....	do.....	Do.
Garment Carriers.....	do.....	do.....	Do.
A & B-SF.....	do.....	Director, Vice-President, Treasurer.	Director, Secretary.
Randy's.....	do.....	do.....	Do.
Freightways.....	do.....	do.....	Do.
Expressways.....	do.....	do.....	Do.

The application states that WAF's entry into the airfreight forwarding field will increase, rather than diminish, competition in that field and will add a new element to the rapidly growing airfreight forwarding industry. It also states that WAF will be operated independently of the other corporations and the possibilities of any conflicts arising are very limited.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that, for the purpose of this proceeding, WAF is an air carrier, and that A & B, Garment Carriers, A & B-SF, Randy's Freightways, and Expressways are common carriers within the meaning of section 408 of the Act and that their common control by Mr. Brown is subject to that section. However, it has been further concluded that such control relationships do not affect a carrier directly engaged in the operation of aircraft in air transportation, do not result

in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others that have been approved by the Board and do not, essentially, present any new substantive issues.² It, therefore, appears that approval of the control relationships would not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409 of the Act will result from the holding by Messrs. Brown, Bernstein, and DeQuardo of the positions mentioned herein. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control relationships should be ap-

² See Order E-22451, July 19, 1965.

proved under section 408(b) of the Act without hearing, and that the application to the extent that it requests approval of the aforementioned interlocking relationships should be dismissed.

Accordingly, it is ordered:

1. That the common control of WAF, and A & B, Garment Carriers, A & B-SF, Randy's, Freightways and Expressways by Mr. Brown be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL]

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3442; Filed, Mar. 20, 1968;
8:49 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 27, 1968. The hearing will take place in Room 1600 of the Municipal Services Building, 15th and Kennedy Boulevard in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Town of Phillipsburg.* Expansion of an existing secondary sewage treatment plant in order to meet increased sewage loads in the town of Phillipsburg, Warren County, N.J. The enlarged plant would have a capacity of 5.6 million gallons daily and effluent would discharge to the Delaware River.

2. *Borough of Phoenixville.* Enlargement of an existing water filtration plant in order to meet increasing needs in the area served by the borough of Phoenixville, Chester County, Pa. The new facility would have a capacity of 8 million gallons daily. The borough's allocation of water derived from the Schuylkill River would be increased to 7 million gallons daily.

3. *Mount Penn Borough.* Enlargement of a secondary sewage treatment plant in order to increase capacity and treatment standards in Mount Penn Borough, Berks County, Pa. The new facility will have a treatment capacity of 1.2 million gallons daily and effluent will discharge to Antietam Creek.

4. *East Norriton-Plymouth Joint Sewer Authority.* Enlargement of the Authority's sewage treatment plant in

Montgomery County, Pa., so as to double its capacity in order to meet increased requirements. Facilities will be added for the incineration of digested sludge. The new facility will have a treatment capacity of 5.5 million gallons daily.

5. *Borough of Hatfield.* A well water supply project to augment existing supplies in the borough of Hatfield, Montgomery County, Pa. Designated as Well No. 6, the project is expected to yield about 200 gallons per minute.

6. *Township of Harrison.* A new sewage treatment plant to serve the Mullica Hill section of Harrison Township, Gloucester County, N.J. The new plant will have a capacity of 400,000 gallons per day. Effluent will receive 90 percent treatment prior to discharge to Raccoon Creek.

7. *Middletown Township.* Construction of about 21 miles of collection sewers to service approximately 1.5 million gallons daily of waste in Middletown Township, Delaware County, Pa. Designed to improve water quality in Chester Creek, the project will convey sewage into the Southwest Delaware County Sewer Authority plant for secondary treatment.

8. *Borough of West Chester.* Construction of four earthen lagoons, each with a capacity of 114,750 gallons, to treat waste water emanating from the borough's filter plant at the Milltown Water Works in Chester County, Pa. Practically all suspended solids would be removed by this treatment facility prior to discharge to East Branch of Chester Creek.

9. *New Jersey Water Co.—Cherry Hill Division.* A well water supply project to augment public water supplies in portions of Cherry Hill and Voorhees Townships, Camden County, and Mount Laurel Township, Burlington County, N.J. Three new wells expected to produce a combined yield of 3 million gallons daily would be added to the system. The company's overall diversion limitation for its Cherry Hill division would be increased from 7.5 to 13.2 million gallons daily.

10. *New Jersey Water Co.—Haddon Division.* A well water supply project to augment public water supplies in the townships of Haddon and Gloucester, and several nearby boroughs, all in Camden County, N.J. One new well expected to produce one million gallons daily would be added to the system. The company's overall diversion limitation for its Haddon division would be increased from 6.5 to 7.5 million gallons daily.

11. *New Jersey Water Co.—Laurel Springs Division.* A well water supply project to augment public water supplies in portions of the townships of Cherry Hill, Voorhees and Gloucester, and several nearby boroughs, all in Camden County, N.J. Two new wells would be added to the Magnolia Station having a combined yield of 2 million gallons daily, and three additional new wells would be located at the proposed Gibbsboro Station with a combined yield of 3 million gallons daily. The company's overall diversion limitation for its Laurel Springs

Division would be increased from one to three million gallons daily for each station.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone (609) 883-9500.

W. B. WHITALL,
Secretary.

MARCH 15, 1968.

[F.R. Doc. 68-3390; Filed, Mar. 20, 1968;
8:45 a.m.]

FEDERAL MARITIME COMMISSION

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John T. Crook, Chairman, Gulf Associated Freight Conferences, Suite 927 Whitney Building, New Orleans, La. 70130.

Agreement No. 134-32, between the member lines of the Gulf/Mediterranean Ports Conference, modifies the basic agreement (1) to provide a minimum charge of \$100 per month per line, which will be assessed without regard to the cargo tonnage which it moves if insufficient to produce a minimum assessment of \$100 during any calendar month; (2) to eliminate the provisions that members failing to have a sailing for a period of 6 consecutive calendar months shall thereafter pay a minimum charge of \$50 per month for each subsequent calendar month during which they fail to have a sailing, and (3) to establish an initial nonreturnable membership fee of \$1,000.

Dated: March 18, 1968.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 68-3449; Filed, Mar. 20, 1968;
8:49 a.m.]

GULF/UNITED KINGDOM CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John T. Crook, Chairman, Gulf Associated Freight Conferences, Suite 927 Whitney Building, New Orleans, La. 70130.

Agreement No. 161-24, between the member lines of the Gulf/United Kingdom Conference, modifies the basic agreement (1) to provide a minimum charge of \$100 per month per line, which will be assessed without regard to the cargo tonnage which it moves if insufficient to produce a minimum assessment of \$100 during any calendar month; (2) to eliminate the provision that members failing to have a sailing for a period of 6 consecutive calendar months shall thereafter pay a minimum charge of \$50 per month for each subsequent calendar month during which they fail to have a sailing, and (3) to establish an initial nonreturnable membership fee of \$1,000.

Dated: March 18, 1968.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 68-3450; Filed, Mar. 20, 1968;
8:49 a.m.]

GULF/SCANDINAVIAN AND BALTIC SEA PORTS CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John T. Crook, Chairman, Gulf Associated Freight Conferences, Suite 927 Whitney Building, New Orleans, La. 70130.

Agreement No. 5400-8, between the member lines of the Gulf/Scandinavian and Baltic Sea Ports Conference, modifies the basic agreement (1) to establish an initial non-returnable membership fee of \$1,000; (2) to provide a minimum charge of \$100 per month per line, which will be assessed without regard to the cargo tonnage which it moves if insufficient to produce a minimum assessment of \$100 during any calendar month, and (3) to eliminate the provision that members failing to have a sailing for a period of 6 consecutive calendar months shall thereafter pay a minimum charge of \$50 per month for each subsequent calendar month during which they fail to have a sailing.

Dated: March 18, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-3451; Filed, Mar. 20, 1968; 8:49 a.m.]

MARINA MERCANTE NICARAGUENSE, S.A., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9575-2 modifies the basic transshipment agreement to restate the trade covered as between ports in Central America and those on the West Coast of the United States with transshipment at the port of Balboa, Canal Zone; sets forth a specific apportionment of the through rates for coffee in bags; and restates the accrual of accessorial and port charges in accordance with terms and conditions set forth in the agreement.

Dated: March 18, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-3452; Filed, Mar. 20, 1968; 8:50 a.m.]

RREDERIAKTIEBOLAGET RAGNE AND AND. SMITH REDERIAKTIEBOLAG

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas K. Roche, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 8036-2, as amended, a joint service between Rederiaktiebolaget Ragne and And. Smith Rederiaktiebolag, modifies the basic agreement (1) to eliminate a provision that there will be no pooling or sharing of profits or losses between the parties, and to substitute in lieu thereof a provision that the participation of each party in the results of any undertaking entered into by the joint service with other parties will be based on percentage allocations similar to those specified in the basic agreement; and (2) to appoint a new agreement representative, AB Svenska Chicago Linjen, instead of Adolf Palmquist A/B, to act for the joint service.

Dated: March 18, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-3453; Filed, Mar. 20, 1968; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2283]

BANGOR PUNTA INTERNATIONAL CAPITAL CO.

Notice of Filing of Application for Order Exempting Company

MARCH 15, 1968.

Notice is hereby given that Bangor Punta International Capital Co. ("Applicant"), 100 West 10th Street, Wilmington, Del., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware on February 16, 1968. Applicant is authorized to have outstanding 10,000 shares of common stock of the par value of \$1 per share. Bangor Punta Operations, Inc. ("Operations"), a New York corporation, is the owner of all of the issued and outstanding common stock of Applicant. Operations is a wholly owned subsidiary of Bangor Punta Corp. ("Bangor"), a Delaware corporation. All the outstanding stock of Applicant has been issued to Operations for \$100 and all the capital stock that Applicant will have outstanding in the future will be purchased by Operations from Applicant. Prior to the sale of Applicant's debentures described

below, Operations will transfer to Applicant cash and other assets, which may include patents, having an aggregate fair market value of not less than 20 percent of the face amount of the debentures issued. Such assets will be transferred in exchange for stock of Applicant or as a contribution to its capital. In addition, Bangor and/or Operations may contribute additional amounts to the capital of Applicant in the future. Operations will not dispose of any shares of capital stock of Applicant except to Applicant, Bangor or another wholly owned subsidiary of Bangor or Operations.

Bangor is a diversified holding company with subsidiaries, including Operations, active in the consumer products, textile, process equipment, and service fields. The consumer products group manufactures Smith & Wesson firearms and law enforcement equipment, wood and fiberglass pleasure boats, and emblematic jewelry. The textile group is engaged in the styling and marketing of fabrics, principally woven synthetic blend and bonded-knitted fabrics, for women's fashion apparel. The process equipment group includes the Bangor and Aroostook Railroad, an all-freight line serving Maine, and Pameco-Aire, a wholesale distributor of refrigeration and air-conditioning equipment. Bangor's common stock and preference stock are listed on the New York Stock Exchange.

Applicant was organized to provide assistance in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in 1965 and Executive Order 11387 of January 1, 1968, governing certain capital transfers abroad, while at the same time permitting the development of foreign operations of Bangor and its subsidiaries and affiliates by raising abroad the funds necessary for such development to the maximum extent possible.

Applicant intends to issue and sell its Guaranteed Convertible Debentures ("Debentures") outside the United States. The Debentures will be guaranteed by, and convertible into Common Stock of Bangor, as hereinafter described. The amount of Debentures to be issued, the interest rate and maturity date thereof, the price at which the Debentures will be convertible and the time after issuance when the Debentures will be convertible will all depend on market conditions immediately prior to the date of issuance of the Debentures. It is contemplated that the principal amount of Debentures to be issued will be in the range of \$15 million to \$20 million, that the interest rate for the Debentures will be in the range of 5 to 6 percent, that the maturity of the Debentures will be in the range of 15 to 20 years from the date of issuance, that the conversion price of the Debentures will be at least 10 percent above the market price of the Common

Stock of Bangor a few days prior to the date of offer of the Debentures and that the date when the Debentures will become convertible will be not earlier than 6 months after the date of issuance of the Debentures and not later than 1 year after such date.

The Debentures are to be sold under conditions which are intended to assure that the Debentures will not be sold to residents, nationals or citizens of the United States, its territories or possessions. Any additional debt securities of Applicant which may be offered to the public in the future will be sold under similar conditions.

The Internal Revenue Service has been requested to issue a ruling to the effect that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. The imposition of the interest equalization tax, will discourage U.S. persons from purchasing such debt obligations.

Bangor will irrevocably and unconditionally guarantee to the Debentureholders the due payment in U.S. dollars of the principal amount of and the interest on the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Bangor in a manner similar to the guarantee of the Debentures.

The funds borrowed by Applicant through the issuance of the Debentures are expected to be advanced as long term loans to corporations organized under the laws of European countries and doing business in Europe and invested in the stock of each of such corporations. Cash contributed by Operations will be invested by Applicant in United States corporate or governmental securities or corporate or governmental securities of possessions or territories of the United States. Upon completion of its investment program at least 80 percent of the assets of Applicant, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all of the business of which is conducted outside of the United States), and at least 90 percent of Applicant's assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to companies in which Bangor or Operations owns at least 10 percent of the equity securities and any assets of Applicant not invested in such companies will only be invested in or loaned to companies which are customers or suppliers of Bangor or Operations or a subsidiary of Bangor or Operations. Any of Applicant's assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of Bangor or Operations.

Applicant will proceed as expeditiously as practicable with the investment of its assets in the manner described above. In addition and prior to such long term investments and from time to time thereafter in connection with changes in long term investments, Applicant will, in an effort to minimize costs, make interim investments of borrowed fund, not then otherwise invested, in the obligations of foreign governments or foreign financial institutions or in foreign bank interest-bearing deposits. Applicant will not acquire the securities representing such interim investments and loans for the purpose of sale or distribution. Applicant will not act as a dealer or trade in securities.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it is 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 for the Commission to enter an order exempting Applicant from all the provisions of the Act for the reasons that: (1) A significant purpose of Applicant is to assist in improving the balance of payments program of the United States by obtaining funds in foreign countries and from foreign nationals for the foreign operations of Bangor, its subsidiaries and affiliates and corporations engaged in foreign operations in which Bangor has an interest; (2) the Debentures will be sold only to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any citizen or national of, or person resident or normally resident in, the United States, its territories or possessions; (3) the burden of the interest equalization tax will discourage purchase of the Debentures by any U.S. resident, national or citizen; (4) Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than Operations or Bangor or a wholly owned subsidiary of Operations or Bangor; and (6) payment of the Debentures, which is guaranteed by Bangor, does not depend solely on the operations or investment policy of Applicant, and no other debt securities will be issued to or held by the public without the benefit of a similar guarantee.

Notice is further given that any interested person may, not later than March

25, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3400; Filed, Mar. 20, 1968;
8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded 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 such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 18, 1968, through March 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3401; Filed, Mar. 20, 1968;
8:46 a.m.]

[File No. 2-14698]

CORMAC CHEMICAL CORP.

Order Suspending Trading

MARCH 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cormac Chemical Corp., New York, N.Y., being traded 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 such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 18, 1968, through March 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3402; Filed, Mar. 20, 1968;
8:46 a.m.]

FASTLINE, INC.

Order Suspending Trading

MARCH 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded 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 such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 18, 1968, through March 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3403; Filed, Mar. 20, 1968;
8:46 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

MARCH 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main

Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded 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 such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 16, 1968, through March 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3404; Filed, Mar. 20, 1968;
8:46 a.m.]

[File No. 1-5212]

ROTO AMERICAN CORP.

Order Suspending Trading

MARCH 15, 1968.

The common stock, \$1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, \$10 par value, 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 National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 17, 1968, through March 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3405; Filed, Mar. 20, 1968;
8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 15, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec 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 March 18, 1968, through March 27, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3406; Filed, Mar. 20, 1968;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2801, etc.]

GETTY OIL CO. ET AL.

Order Amending Orders

MARCH 11, 1968.

Order amending orders issuing certificates, substituting respondent, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, accepting notices of succession and redesignation, and redesignating FPC gas rate schedules.

On October 9, 1967, Getty Oil Co. (Petitioner) filed in Docket No. G-2801 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Tidewater Oil Co. (Tidewater) by substituting Petitioner in lieu of Tidewater as certificate holder, all as more fully set forth in the petition to amend and in the attached tabulation.

Effective September 30, 1967, Petitioner merged Tidewater and acquired all of Tidewater's producing properties and gas sales contracts. Petitioner proposes to continue sales of natural gas in interstate commerce pursuant to said contracts in lieu of Tidewater and has filed notices of succession to Tidewater's FPC gas rate schedules.

The presently effective rates under certain of Tidewater's rate schedules are in effect subject to refund, and in some instances increased rates were collected by Tidewater for locked-in periods subject to refund. Increased rates are

being collected or have been collected for locked-in periods in each of the following proceedings subject to refund, except as indicated:

Tidewater FPC Gas Rate Schedule No.	Docket No.
4-----	G-14185, G-16259, RI60-71, RI61-17, RI61-444.
5-----	RI65-344.
6-----	RI67-184.
9-----	RI64-721.
11-----	RI64-726.
12-----	RI64-721.
13-----	RI64-721.
17-----	G-14061, G-16259, RI60-70, RI61-18, RI-61-445.
18-----	RI65-344.
21-----	RI64-721.
22-----	RI67-184.
23-----	RI64-721.
24-----	RI66-146.
25-----	RI66-147.
32-----	RI66-103.
36-----	RI64-762.
37-----	RI64-762.
38-----	G-16260, RI60-70, RI61-18, RI61-445.
39-----	G-16259, RI60-71, RI61-17, RI61-444.
43-----	G-16260, RI60-70, RI61-18, RI61-445.
50-----	G-16259, RI60-71, RI61-17, RI61-444.
54-----	RI66-146.
56-----	RI65-15.
57-----	RI64-726.
61-----	RI67-66. ¹
62-----	RI65-456, ² RI66-147.
64-----	RI64-721.
68-----	RI64-762.
70-----	RI64-726.
72-----	RI65-15.
76-----	RI64-721.
78-----	RI65-129.
95-----	RI64-721.
98-----	RI65-136.
100-----	RI67-41. ¹
102-----	RI67-73. ¹
104-----	RI65-2.
111-----	RI67-323.
113-----	RI65-3.
117-----	RI66-223.

¹ Increase in rate not made effective.

² Champlin Petroleum Co. has filed an increased rate for sales of gas from its own interests covered by Tidewater's FPC Gas Rate Schedule No. 62.

Petitioner has submitted in each of the above proceedings, except in Docket Nos. RI61-17, RI61-18, and RI65-456, agreements and undertakings to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Petitioner will be substituted in lieu of Tidewater as respondent in each of Tidewater's rate proceedings; the proceedings will be redesignated accordingly; the agreements and undertakings will be accepted for filing in each proceeding in which they have been submitted except in Docket Nos. RI67-41, RI67-66, and RI67-73; and Petitioner will be required to file agreements and

undertakings in Docket Nos. RI61-17 and RI61-18.

Petitioner will be substituted in lieu of Tidewater as applicant in Tidewater's pending certificate proceedings. The petition to amend requests that Petitioner be substituted in lieu of Tidewater in certain certificate proceedings in which certificates have been terminated, an application was withdrawn or docket numbers have been cancelled. Inasmuch as it is not necessary to take any action with respect to these proceedings, the petition will be dismissed as moot with respect to Docket Nos. G-13824, G-18577, G-19704, CI60-19, CI62-164, CI62-263, CI63-582, CI64-358, and CI65-382.

The Commission's staff has reviewed the petition and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petition to intervene, notice of intervention or protest to the granting of the petition to amend has been received.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Tidewater should be amended by substituting Petitioner as certificate holder and that Petitioner should be substituted as applicant in each of Tidewater's pending certificate proceedings.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that notices of succession to Tidewater's FPC gas rate schedules should be accepted for filing, that the rate schedules should be redesignated accordingly, and that Petitioner should be substituted in lieu of Tidewater in Tidewater's rate proceedings.

The Commission orders:

(A) The orders issuing temporary and permanent certificates of public convenience and necessity to Tidewater Oil Co. are amended by substituting Petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Tidewater as applicant in the proceedings pending in Docket Nos. CI61-1016, CI64-794, CI66-424, CI67-528, CI67-862, and CI67-1006.

(C) The notices of succession to Tidewater's FPC gas rate schedules submitted by Petitioner are accepted for filing to

be effective as of September 30, 1967, and the rate schedules are redesignated as set forth in the tabulation.

(D) The notices of redesignation of its rate schedules dated November 3, 1967, submitted by Petitioner are accepted for filing to be effective as of September 30, 1967; and Petitioner's FPC Gas Rate Schedule Nos. 1, 2, 3, 4,³ 5, 6, 7,⁴ and 8 are redesignated as its FPC Gas Rate Schedule Nos. 151, 152, 153, 154,³ 155, 156, 157,⁴ and 158, respectively.

(E) The petition to amend is dismissed as moot with respect to Docket Nos. G-13824, G-18577, G-19704, CI60-19, CI62-164, CI62-263, CI63-582, CI64-358, and CI65-382.

(F) Petitioner is substituted in lieu of Tidewater as respondent in the proceedings pending in Docket Nos. G-14061, G-14185, G-16259, G-16260, RI60-70, RI60-71, RI61-17, RI61-18, RI61-444, RI61-445, RI64-721, RI64-726, RI64-762, RI65-2, RI65-3, RI65-15, RI65-129, RI65-136, RI65-344, RI65-456, RI66-103, RI66-146, RI66-147, RI66-223, RI67-41, RI67-66, RI67-73, RI67-184, and RI67-323; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by Petitioner in each of said proceedings, except in Docket Nos. RI61-17, RI61-18, RI65-456, RI67-41, RI67-66, and RI67-73, are accepted for filing.

(G) Within 30 days from the issuance of this order Petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI61-17 and RI61-18 to assure the refunds of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(H) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Petitioner in Tidewater's rate proceedings shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

³ Canceled.

⁴ "(Operator) et al."

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-2801 G-11749 G-14778 E 10-9-67 ¹	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	United Fuel Gas Co., Erath, North Erath and Erath-Shallow Fields, Vermilion Parish, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 26. Supplement Nos. 1-18. Notice of succession 11-3-67.	26	1-18
G-2802 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.).	United Fuel Gas Co., North Bourg Field, Lafourche and Terrebonne Parishes, La.	Tidewater Oil Co., FPC GRS No. 24. Supplement Nos. 1-18. Notice of succession 11-3-67.	24	1-18
G-2803 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	United Fuel Gas Co., Florence Field, Vermilion Parish, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 25. Supplement Nos. 1-15. Notice of succession 11-3-67.	25	1-15
G-3718 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.).	Natural Gas Pipeline Co. of America, Old Ocean Field, Matagorda and Brazoria Counties, Tex.	Tidewater Oil Co., FPC GRS No. 22. Supplement Nos. 1-7. Notice of succession 11-3-67.	22	1-7
G-3719 E 10-9-67	do	United Gas Pipe Line Co., Red Fish Bay Field, Nueces County, Tex.	Tidewater Oil Co., FPC GRS No. 23. Supplement Nos. 1-12. Notice of succession 11-3-67.	23	1-12
G-3720 E 10-9-67	do	Iroquois Gas Corp., Sheridan Field, Colorado County, Tex.	Tidewater Oil Co., FPC GRS No. 1. Supplement Nos. 1-13. Notice of succession 11-3-67.	1	1-13
G-3721 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	Texas Eastern Transmission Corp., West Cossen, et al., Fields, Bee, et al., Counties, Tex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 7. Supplement Nos. 1-25. Notice of succession 11-3-67.	7	1-25
G-3722 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.).	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	Tidewater Oil Co., FPC GRS No. 63. Supplement Nos. 1-6. Notice of succession 11-3-67.	63	1-6
G-3723 E 10-9-67 ²	do	El Paso Natural Gas Co., Spraberry Field, Glasscock, et al., Counties, Tex.	Tidewater Oil Co., FPC GRS No. 17. Supplement Nos. 1-17. Notice of succession 11-3-67.	17	1-17
G-3726 E 10-9-67	do	Natural Gas Pipeline Co. of America, East Bay City Field, Matagorda County, Tex.	Tidewater Oil Co., FPC GRS No. 5. Supplement Nos. 1-18. Notice of succession 11-3-67.	5	1-18
G-3727 E 10-9-67	do	United Gas Pipe Line Co., Brandt Field, Goliad County, Tex.	Tidewater Oil Co., FPC GRS No. 20. Supplement Nos. 1-12. Notice of succession 11-3-67.	20	1-12
G-3728 E 10-9-67	do	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks, and Jim Wells Counties, Tex.	Tidewater Oil Co., FPC GRS No. 15. Supplement Nos. 1-22. Notice of succession 11-3-67.	15	1-22
G-3729 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Bernard Field, Wharton County, Tex.	Tidewater Oil Co., FPC GRS No. 12. Supplement Nos. 1-11. Notice of succession 11-3-67.	12	1-11
G-3730 E 10-9-67	do	Transcontinental Gas Pipe Line Corp., Ray-Wilcox Field, Bee County, Tex.	Tidewater Oil Co., FPC GRS No. 14. Supplement Nos. 1-13. Notice of succession 11-3-67.	14	1-13
G-3731 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Sublime Field, Colorado County, Tex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 11. Supplement Nos. 1-15. Notice of succession 11-3-67.	11	1-15
G-3732 E 10-9-67	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Tidewater Oil Co., FPC GRS No. 8. Supplement Nos. 1-16. Notice of succession 11-3-67.	8	1-16
G-3733 E 10-9-67	do	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	Tidewater Oil Co., FPC GRS No. 6. Supplement Nos. 1-9. Notice of succession 11-3-67.	6	1-9
		Transcontinental Gas Pipe Line Corp., West Bernard Field, Wharton County, Tex.	Tidewater Oil Co., FPC GRS No. 19. Supplement Nos. 1-24. Notice of succession 11-3-67.	19	1-24

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.

NOTICES

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.				Supp.	Description and date of document	No.
G-3734 E 10-9-67	do	Transcontinental Gas Pipe Line Corp., Harris, et al., Fields, Live Oak County, Tex.	Tidewater Oil Co., FPC GRS No. 3, Supplement Nos. 1-13, 11-3-67.	3	1-13	do	United Gas Pipe Line Co., Hollywood Field, Terrebonne Parish, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 34, Supplement Nos. 1-17, 11-3-67.	34	1-17
G-3735 E 10-9-67	do	El Paso Natural Gas Co., Loveland Field, Hockley County, Tex.	Tidewater Oil Co., FPC GRS No. 9, Supplement Nos. 1-11, 11-3-67.	4	1-11	do	Texas Gas Transmission Corp., South Lewisburg Field, Acadia and St. Landry Parishes, La.	Tidewater Oil Co., FPC GRS No. 37, Supplement Nos. 1-14, 11-3-67.	37	1-14
G-3736 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Mustang Island Field, Nueces County, Tex.	Tidewater Oil Co., FPC GRS No. 9, Supplement Nos. 1-12, 11-3-67.	9	1-12	do	El Paso Natural Gas Co., Blinberry et al., Fields, Lea County, N. Mex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 43, Supplement Nos. 1-21, 11-3-67.	43	1-21
G-3737 G-11927 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Natural Gas Pipeline Co. of America, West Bernard Field, Wharton County, Tex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 18, Supplement Nos. 1-20, 11-3-67.	18	1-20	Getty Oil Co. (successor to Tidewater Oil Co.)	United Gas Pipe Line Co., Bartowville Field, Lamar and Marion Counties, Miss.	Tidewater Oil Co., FPC GRS No. 36, Supplement Nos. 1-9, 11-3-67.	36	1-9
G-3740 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., East Bay City Field, Matagorda County, Tex.	Tidewater Oil Co., FPC GRS No. 13, Supplement Nos. 1-20, 11-3-67.	13	1-20	do	Southern Natural Gas Co., Gavinville Field, Jefferson Davis and Simpson Counties, Miss.	Tidewater Oil Co., FPC GRS No. 68, Supplement Nos. 1-8, 11-3-67.	68	1-6
G-3742 E 10-9-67	do	Transcontinental Gas Pipe Line Corp., West Tuleita Field, Bee County, Tex.	Tidewater Oil Co., FPC GRS No. 16, Supplement Nos. 1-17, 11-3-67.	16	1-17	do	El Paso Natural Gas Co., Langmat (Christmas) Field, Lea County, N. Mex.	Tidewater Oil Co., FPC GRS No. 39, Supplement Nos. 1-16, 11-3-67.	39	1-16
G-3743 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Placido Field, Victoria County, Tex.	Tidewater Oil Co., FPC GRS No. 21, Supplement Nos. 1-15, 11-3-67.	21	1-15	do	Texas Eastern Transmission Corp., Northelm Field, De Witt and Karnes Counties, Tex.	Tidewater Oil Co., FPC GRS No. 51, Supplement Nos. 1-15, 11-3-67.	51	1-15
G-4576 E 10-9-67	do	United Gas Pipe Line Co., Burnett/North Pettins Field, Bee, Karnes and Goliad Counties, Tex.	Tidewater Oil Co., FPC GRS No. 32, Supplement Nos. 1-12, 11-3-67.	32	1-12	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 52, Supplement Nos. 1-2, 11-3-67.	52	1-2
G-5027 E 10-9-67	do	El Paso Natural Gas Co., Headlee Field, Ector and Midland Counties, Tex.	Tidewater Oil Co., FPC GRS No. 50, Supplement Nos. 1-13, 11-3-67.	50	1-13	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Various Blocks, West Delta Area, Offshore 1 La.	Tidewater Oil Co., FPC GRS No. 56, Supplement Nos. 1-19, 11-3-67.	56	1-19
G-6261 E 10-9-67	do	Cities Service Gas Co., West Edmond Field, Kingfisher and Oklahoma Counties, Okla.	Tidewater Oil Co., FPC GRS No. 40, Supplement Nos. 1-2, 11-3-67.	40	1-2	do	Transcontinental Gas Pipe Line Corp., Llanowr Field, Terrell and Acadia Parishes, La.	Tidewater Oil Co., FPC GRS No. 54, Supplement Nos. 1-8, 11-3-67.	54	1-8
G-6263 E 10-9-67	do	Arkansas Louisiana Gas Co., Chickasha Field, Grady County, Okla.	Tidewater Oil Co., FPC GRS No. 46, Supplement Nos. 1-9, 11-3-67.	46	1-9	do	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	Tidewater Oil Co., FPC GRS No. 55, Supplement Nos. 1-12, 11-3-67.	55	1-12
G-6264 G-12822 G-10386 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	El Paso Natural Gas Co., Matix Fields, Lea County, N. Mex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 42, Supplement Nos. 1-11, 11-3-67.	42	1-11	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 57, Supplement Nos. 1-11, 11-3-67.	57	1-11
G-6265 E 10-9-67	do	Lone Star Gas Co., Sholom Atechem Field, Carter County, Okla.	Tidewater Oil Co., FPC GRS No. 45, Supplement Nos. 1-4, 11-3-67.	45	1-4	do	Texas Eastern Transmission Corp., Midway Field, San Patricio County, Tex.	Tidewater Oil Co., FPC GRS No. 64, Supplement Nos. 1-9, 11-3-67.	64	1-9
G-6266 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	El Paso Natural Gas Co., Langmat (King) Field, Lea County, N. Mex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 38, Supplement Nos. 1-15, 11-3-67.	38	1-15	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., East and West Cameron Areas, Offshore Louisiana.	Tidewater Oil Co., FPC GRS No. 72, Supplement Nos. 1-19, 11-3-67.	72	1-19

FEDERAL REGISTER, VOL. 33, NO. 56—THURSDAY, MARCH 21, 1968

See footnotes at end of table.

FPC rate schedule to be accepted		FPC rate schedule to be accepted									
Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.	Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.
G-1295 E 10-9-67	do	Michigan Wisconsin Pipe Line Co., North Holly Beach Field, Cameron Parish, La.	Tidewater Oil Co., FPC GRS No. 61, Supplement Nos. 1-5, Notice of succession 11-3-67	61	1-5	G-17463 E 10-9-67	do	Consolidated Gas Supply Corp., Perry Field, Vermilion Parish, La.	Tidewater Oil Co., FPC GRS No. 92, Supplement Nos. 1-2, Notice of succession 11-3-67	92	1-2
G-1768 E 10-9-67	do	Northern Natural Gas Co., Emperor Field, Winkler County, Tex.	Tidewater Oil Co., FPC GRS No. 67, Supplement Nos. 1-4, Notice of succession 11-3-67	67	1-4	G-17474 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Consolidated Gas Supply Corp., South Bosco Field, Acadia and Lafayette Parishes, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 91, Supplement Nos. 1-4, Notice of succession 11-3-67	91	1-4
G-11891 E 10-9-67	do	Southern Natural Gas Co., Manilla Village Field, Jefferson Parish, La.	Tidewater Oil Co., FPC GRS No. 65, Supplement Nos. 1-4, Notice of succession 11-3-67	65	1-4	G-17475 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	Consolidated Gas Supply Corp., West Rayne Field, Acadia Parish, La.	Tidewater Oil Co., FPC GRS No. 89, Supplement Nos. 1-2, Notice of succession 11-3-67	89	1-3
G-12411 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Transcontinental Gas Pipe Line Corp., Northwest Gueydan Field, Acadia Parish, La.	Tidewater Oil Co., FPC GRS No. 62, Supplement Nos. 1-10, Notice of succession 11-3-67	62	1-10	G-17483 E 10-9-67	do	Consolidated Gas Supply Corp., Jefferson Island Field, Iberia Parish, La.	Tidewater Oil Co., FPC GRS No. 90, Supplement Nos. 1-2, Notice of succession 11-3-67	90	1-2
G-13051 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	Southern Natural Gas Co., Bayou Bouillon Field, St. Martin and Iberville Parishes, La.	Tidewater Oil Co., FPC GRS No. 81, Supplement Nos. 1-2, Notice of succession 11-3-67	81	1-2	G-17578 E 10-9-67	do	Florida Gas Transmission Co., Palacios Field, Matagorda County, Tex.	Tidewater Oil Co., FPC GRS No. 86, Supplement Nos. 1-8, Notice of succession 11-3-67	86	1-8
G-13136 E 10-9-67	do	United Gas Pipe Line Field, Terrebonne Parish, La.	Tidewater Oil Co., FPC GRS No. 66, Supplement Nos. 1-3, Notice of succession 11-3-67	66	1-3	G-17443 E 10-9-67	do	El Paso Natural Gas Co., Leandre-Mattix (Fowler Hair) Field, Lea County, N. Mex.	Tidewater Oil Co., FPC GRS No. 83, Supplement Nos. 1-8, Notice of succession 11-3-67	83	1-8
G-14986 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Natural Gas Pipeline Co. of America, Texas-Elms Field, Live Oak County and Wray, Shackelford, and Jim Wells and Duval Counties, Tex.	Tidewater Oil Co., FPC GRS No. 71, Supplement Nos. 1-9, Notice of succession 11-3-67	71	1-9	G-17951 E 10-9-67	do	Transwestern Pipeline Co., acreage in Beaver and Ellis Counties, Okla.	Tidewater Oil Co., FPC GRS No. 97, Supplement Nos. 1-5, Notice of succession 11-3-67	97	1-5
G-15103 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	United Gas Pipe Line Co., Midland Field, Acadia Parish, La.	Tidewater Oil Co., FPC GRS No. 73, Supplement Nos. 1-7, Notice of succession 11-3-67	73	1-7	G-18376 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Florida Gas Transmission Co., Palacios Field, Matagorda County, Tex.	Tidewater Oil Co., FPC GRS No. 88, Supplement Nos. 1-4, Notice of succession 11-3-67	88	1-4
G-15543 E 10-9-67	do	Panhandle Eastern Pipe Line Co., South Forgan Field, Beaver County, Okla.	Tidewater Oil Co., FPC GRS No. 76, Supplement Nos. 1-7, Notice of succession 11-3-67	76	1-7	G-18710 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	United Gas Pipe Line Co., Hollywood Field, Terrebonne Parish, La.	Tidewater Oil Co., FPC GRS No. 137, Supplement Nos. 1-6, Notice of succession 11-3-67	137	1-6
G-16172 E 10-9-67	do	United Gas Pipe Line Co., Ridge Field, Lafayette Parish, La.	Tidewater Oil Co., FPC GRS No. 75, Supplement Nos. 1-7, Notice of succession 11-3-67	75	1-7	G-19719 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Grand Isle Area, Jefferson and Lafourche Parishes, Offshore Louisiana.	Tidewater Oil Co., FPC GRS No. 107, Supplement Nos. 1-15, Notice of succession 11-3-67	107	1-15
G-16194 E 10-9-67	do	Northern Natural Gas Co., Eumont Field, Lea County, N. Mex.	Tidewater Oil Co., FPC GRS No. 78, Supplement Nos. 1-6, Notice of succession 11-3-67	78	1-6	CI60-15 E 10-9-67	do	United Gas Pipe Line Field, Jackson County, Tex.	Tidewater Oil Co., FPC GRS No. 95, Supplement Nos. 1-4, Notice of succession 11-3-67	95	1-4
G-16267 E 10-9-67	do	Trunkline Gas Co., Chocolate Bayou Field, Brazoria County, Tex.	Tidewater Oil Co., FPC GRS No. 93, Supplement Nos. 1-2, Notice of succession 11-3-67	93	1-2	CI60-142 E 10-9-67	do	United Gas Pipe Line Co., West Bastian Bay, Plaquemines Parish, La.	Tidewater Oil Co., FPC GRS No. 108, Supplement Nos. 1-12, Notice of succession 11-3-67	108	1-12
G-16928 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Wunderlich Development Co., Southwest Ponca City Field, Kay County, Okla.	Tidewater Oil Co., FPC GRS No. 78, Supplement Nos. 1-4, Notice of succession 11-3-67	78	1-4	CI60-158 E 10-9-67	do	Colorado Interstate Gas Co., Moccasin Field, Beaver County, Okla.	Tidewater Oil Co., FPC GRS No. 96, Supplement Nos. 1-2, Notice of succession 11-3-67	96	1-2
G-17040 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	West Texas Gathering Co., Emperor Field, Winkler County, Tex.	Tidewater Oil Co., FPC GRS No. 79, Supplement Nos. 1-4, Notice of succession 11-3-67	79	1-4	CI60-242 E 10-9-67	do	Cities Service Gas Co., Southeast Woodward Field, Woodward County, Okla.	Tidewater Oil Co., FPC GRS No. 98, Supplement No. 1, Notice of succession 11-3-67	98	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.				Description and date of document	No. Supp.
CI60-335 E 10-9-67	do	Southern Natural Gas Co., Felice Bayou Field, Plaquemines Parish, La.	Tidewater Oil Co., FPC GRS No. 99, Supplement Nos. 1-4, Notice of succession 11-3-67.	99 1-4	CI62-688 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	Texas Gas Transmission Corp., Duson Field, Lafayette Parish, La.	Tidewater Oil Co., FPC GRS No. 115, Supplement Nos. 1-3, Notice of succession 11-3-67.	115 1-3
CI60-430 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Cotton Island Parish, Terrebonne Parish, Louisiana.	Tidewater Oil Co., FPC GRS No. 100, Supplement Nos. 1-2, Notice of succession 11-3-67.	100 1-2	CI62-687 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.).	Northern Natural Gas Co., Yates Casinghead Gas Plant, Pecos County, Tex.	Tidewater Oil Co., FPC GRS No. 116, Supplement Nos. 1-2, Notice of succession 11-3-67.	116 1-2
CI61-125 E 10-9-67	do	Michigan Wisconsin Pipeline Co., Holly Ridge Field, Tensas Parish, La.	Tidewater Oil Co., FPC GRS No. 118, Supplement No. 1, Notice of succession 11-3-67.	118 1	CI62-1282 E 10-9-67	do	Florida Gas Transmission Co., Opelousas Field, St. Landry Parish, La.	Tidewater Oil Co., FPC GRS No. 132, Supplement Nos. 1-2, Notice of succession 11-3-67.	132 1-2
CI61-171 E 10-9-67	do	Michigan Wisconsin Pipeline Co., Lacassine Refuge Field, Cameron Parish, La.	Tidewater Oil Co., FPC GRS No. 102, Supplement Nos. 1-3, Notice of succession 11-3-67.	102 1-3	CI63-587 E 10-9-67	do	Northern Natural Gas Co., Como Field, Beaver County, Okla.	Tidewater Oil Co., FPC GRS No. 126, Supplement Nos. 1-3, Notice of succession 11-3-67.	126 1-3
CI61-1016 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	Transwestern Pipeline Co., Kermit Field, Winkler County, Tex.	Tidewater Oil Co., FPC GRS No. 105, Supplement Nos. 1-5, Notice of succession 11-3-67.	105 1-5	CI63-650 E 10-9-67	do	Natural Gas Pipeline Co. of America, East Bay City Field, Matagorda County, Tex.	Tidewater Oil Co., FPC GRS No. 120, Notice of succession 11-3-67.	120
CI61-1206 E 10-9-67	do	El Paso Natural Gas Co., San Juan Basin-Dakota Field, San Juan County, N. Mex.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 104, Supplement Nos. 1-13, Notice of succession 11-3-67.	104 1-13	CI63-780 E 10-9-67	do	Tex. Eastern Trans-Extension Corp., Warmly Field, De Witt County, Tex.	Tidewater Oil Co., FPC GRS No. 121, Supplement No. 1, Notice of succession 11-3-67.	121 1
CI61-1253 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.).	Arkansas Louisiana Gas Co., Lasserat Field, Marion County, Tex.	Tidewater Oil Co., FPC GRS No. 106, Supplement Nos. 1-8, Notice of succession 11-3-67.	106 1-8	CI63-824 E 10-9-67	do	United Gas Pipe Line Co., St. Martinville Field, St. Martin Parish, La.	Tidewater Oil Co., FPC GRS No. 123, Supplement Nos. 1-2, Notice of succession 11-3-67.	123 1-2
CI61-1599 E 10-9-67	do	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Tidewater Oil Co., FPC GRS No. 117, Supplement Nos. 1-2, Notice of succession 11-3-67.	117 1-2	CI63-914 E 10-9-67	do	Michigan Wisconsin Pipeline Co., Northeast Cedarvale Field, Major County, Okla.	Tidewater Oil Co., FPC GRS No. 124, Supplement Nos. 1-3, Notice of succession 11-3-67.	124 1-3
CI61-1663 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	Texas Gas Transmission Corp., Cathorn Field, Lincoln Parish, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 109, Supplement Nos. 1-2, Notice of succession 11-3-67.	109 1-2	CI63-1006 E 10-9-67	do	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	Tidewater Oil Co., FPC GRS No. 128, Supplement Nos. 1-3, Notice of succession 11-3-67.	128 1-3
CI61-1689 E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.).	Southern Natural Gas Co., Grange Field, Jefferson Davis and Lawrence Counties, Miss.	Tidewater Oil Co., FPC GRS No. 110, Supplement Nos. 1-2, Notice of succession 11-3-67.	110 1-2	CI63-1134 E 10-9-67	do	Trunkline Gas Co., Quicksand Creek Field, Newton County, Tex.	Tidewater Oil Co., FPC GRS No. 125, Notice of succession 11-3-67.	125
CI61-1789 E 10-9-67	do	Texas Eastern Transmission Corp., Mercedes Field, Hidalgo County, Tex.	Tidewater Oil Co., FPC GRS No. 111, Supplement Nos. 1-2, Notice of succession 11-3-67.	111 1-2	CI63-1148 E 10-9-67	do	Arkansas Louisiana Gas Co., Burmah Unit, Anthon Area, Custer County, Okla.	Tidewater Oil Co., FPC GRS No. 127, Supplement Nos. 1-2, Notice of succession 11-3-67.	127 1-2
CI61-1809 E 10-9-67	do	Florida Gas Transmission Co., Opelousas Field, St. Landry Parish, La.	Tidewater Oil Co., FPC GRS No. 131, Supplement Nos. 1-4, Notice of succession 11-3-67.	131 1-4	CI64-788 E 10-9-67	do	Natural Gas Pipeline Co. of America, Orangedale Oak Counties, Tex.	Tidewater Oil Co., FPC GRS No. 129, Supplement Nos. 1-3, Notice of succession 11-3-67.	129 1-3
CI62-137 E 10-9-67	do	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., East Cameron Block 64 Field, Offshore Louisiana.	Tidewater Oil Co., FPC GRS No. 112, Supplement Nos. 1-3, Notice of succession 11-3-67.	112 1-3	CI64-794 E 10-9-67	do	Northern Natural Gas Co., Northwest Hobbit Field, Pecos County, Tex.	Tidewater Oil Co., FPC GRS No. 130, Supplement No. 1, Notice of succession 11-3-67.	130 1
CI62-185 E 10-9-67	do	El Paso Natural Gas Co., San Juan Basin-Mesa Verde Field, San Juan County, N. Mex.	Tidewater Oil Co., FPC GRS No. 113, Supplement Nos. 1-4, Notice of succession 11-3-67.	113 1-4	CI64-974 E 10-9-67	do	Natural Gas Pipeline Co. of America, West Crane Field, Custer and Dewey Counties, Okla.	Tidewater Oil Co., FPC GRS No. 133, Supplement No. 1, Notice of succession 11-3-67.	133 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.
CI64-1476 E 10-9-67	do	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	Tidewater Oil Co., FPC GRS No. 134. Supplement Nos. 1-2. Notice of succession 11-3-67.	134	1-2
CI64-1519 E 10-9-67	do	Montana-Dakota Utilities Co., Muddy Ridge Field, Fremont County, Wyo.	Tidewater Oil Co., FPC GRS No. 135. Supplement No. 1. Notice of succession 11-3-67.	135	1
CI65-258 E 10-9-67	do	Lone Star Gas Co., East Cruce Field, Stephens County, Okla.	Tidewater Oil Co., FPC GRS No. 136. Supplement Nos. 1-2. Notice of succession 11-3-67.	136	1-2
CI65-470 E 10-9-67	do	El Paso Natural Gas Co., Roach Field, Reagan County, Tex.	Tidewater Oil Co., FPC GRS No. 138. Supplement Nos. 1-2. Notice of succession 11-3-67.	138	1-2
CI65-611 E 10-9-67	do	Natural Gas Pipeline Co. of America, Southeast Woodward Field, Woodward County, Okla.	Tidewater Oil Co., FPC GRS No. 139. Supplement Nos. 1-2. Notice of succession 11-3-67.	139	1-2
CI65-704 E 10-9-67	do	Michigan Wisconsin Pipe Line Co., Kings Bayou Field, Cameron Parish, La.	Tidewater Oil Co., FPC GRS No. 140. Notice of succession 11-3-67.	140	
CI65-1330 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Grand Valley Transmission Co., Horse Point Unit, Grand County Utah.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 141. Notice of succession 11-3-67.	141	
CI66-124 E 10-9-67	do	Trunkline Gas Co., South Thornwell Field, Jefferson Davis Parish, La.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 142. Supplement No. 1. Notice of succession 11-3-67.	142	1
CI66-424 [*] E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	Michigan Wisconsin Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	Tidewater Oil Co., FPC GRS No. 143. Supplement No. 1. Notice of succession 11-3-67.	143	1
CI66-557 E 10-9-67	do	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	Tidewater Oil Co., FPC GRS No. 144. Supplement Nos. 1-2. Notice of succession 11-3-67.	144	1-2
CI66-1310 E 10-9-67	Getty Oil Co. (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.)	Northern Natural Gas Co., Anadarko Basin Area, Woodward, Ellis and Dewey Counties, Okla.	Tidewater Oil Co. (Operator) et al., FPC GRS No. 145. Supplement Nos. 1-5. Notice of succession 11-3-67.	145	1-5
CI67-528 [*] E 10-9-67	Getty Oil Co. (successor to Tidewater Oil Co.)	Texas Eastern Transmission Corp., Southwest Mercedes Field, Hidalgo County, Tex.	Tidewater Oil Co., FPC GRS No. 146. Notice of succession 11-3-67.	146	
CI67-1357 E 10-9-67	do	Texas Gas Transmission Corp., North Bosco Field, Acadia Parish, La.	Tidewater Oil Co., FPC GRS No. 147. Notice of succession 11-3-67.	147	
CI67-1585 E 10-9-67	do	Southern Union Gathering Co., San Juan Basin-Dakota Field, San Juan County, N. Mex.	Tidewater Oil Co., FPC GRS No. 149. Supplement Nos. 1-2. Notice of succession 11-3-67.	149	1-2
CI68-8 E 10-9-67	do	Arkansas Louisiana Gas Co., Okeens Field, Blaine County, Okla.	Tidewater Oil Co., FPC GRS No. 150. Supplement No. 1. Notice of succession 11-3-67.	150	1

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION
(Name of Respondent.....)
Docket No.
AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT
(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto¹) this.....day of, 196.....
By,
(Name of Respondent)

Attest:
[F.R. Doc. 68-3256; Filed, Mar. 20, 1968; 8:45 a.m.]

[Docket No. DA-1081—California]

**U.S. FOREST SERVICE
Finding and Order**

MARCH 14, 1968.

Lands Withdrawn in Power Site Classification No. 425, and Project Nos. 249, 2134, 2136, and 2279.

Application (S-238) was filed by the U.S. Forest Service (Applicant) for a determination under section 24 of the Federal Power Act for the purpose of restoring to entry the following described lands of the United States withdrawn for power purposes:

MOUNT DIABLO MERIDIAN, CALIFORNIA
T. 27 N., R. 12 E.,
Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 23 N., R. 13 E.,
Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; (31.25 acres).

The lands in secs. 22 and 23 are withdrawn pursuant to the filing on September 20, 1960 of an application for preliminary permit for Project No. 2279. The application was denied on July 31, 1962. The lands in sec. 1 are withdrawn in Power Site Classification No. 425, approved June 24, 1952, and pursuant to the filing on May 29, 1953 of an application for preliminary permit for Project No. 2136. The application was denied.

¹ If a Corporation.

¹ Applicant also filed as successor in Docket No. G-18577, this docket was canceled by order issued June 27, 1960.
² Applicant also filed as successor in Docket No. G-19704, this docket was canceled by Commission order issued July 24, 1961.

³ Applicant also filed as successor in Docket No. CI62-164, this docket was canceled by Commission order issued June 13, 1962.

⁴ Applicant erroneously filed in Docket No. G-13529.

⁵ Applicant also filed as successor in Docket No. G-13524; however, the certificate application in said docket was withdrawn.

⁶ Applicant also filed as successor in Docket Nos. CI64-358 and CI65-382; however, Docket No. CI64-358 was canceled and Docket No. CI65-382 was rejected.

⁷ Applicant also filed as successor in Docket No. CI60-10, this docket was canceled by Commission order issued Sept. 20, 1961.

⁸ Pending—no permanent certificate issued.

[Project 619]

PACIFIC GAS AND ELECTRIC CO.**Notice of Application for New License for Constructed Project**

MARCH 14, 1968.

Public notice is hereby given that application for a new 50-year license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (correspondence to: E. J. Lage, Vice President, Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif. 94106) for constructed Project No. 619, known as Bucks Creek Project, located on Bucks, Grizzly, and Milk Ranch Creeks and their tributaries—all tributaries of the North Fork Feather River—and on North Fork Feather River.

The original license for the Bucks Creek Project was issued April 14, 1926, for a period ending December 31, 1968.

The existing Bucks Creek Project consists of: (1) Bucks Lake, a 101,926 acre-foot capacity reservoir with a surface area of 1,827 acres at elevation 5,158.5 feet (U.S.G.S. datum) formed by a 109-foot high, 1,220-foot long rock-fill dam with a concrete face discharging to Bucks Creek and thence into Lower Bucks Lake; (2) Lower Bucks Lake, a 5,843 acre-foot capacity reservoir with a surface area of 136 acres at elevation 5,025.5 feet (U.S.G.S. datum) formed by a 96-foot high, 500-foot long concrete arch dam; (3) Three Lakes, a 513 acre-foot capacity reservoir with a surface area of 40 acres at elevation 6,077.8 feet (U.S.G.S. datum) formed by a 30-foot high, 560-foot long rock fill dam with a concrete face; (4) Grizzly Forebay, a 1,112 acre-foot capacity reservoir with a surface area of 38 acres at elevation 4,319.5 feet (U.S.G.S. datum) formed by an 87-foot high, 420-foot long concrete arch dam; (5) Milk Ranch Conduit, a 42,297-foot long conduit diverting Three Lakes water releases from Milk Ranch Creek, and other water from 15 small creeks en route, to Lower Bucks Lake; (6) Lower Bucks Lake Tunnel, a 5,716-foot long tunnel conveying the combined Bucks Lake, Three Lakes, and Lower Bucks Lake water releases into Grizzly Creek which flows into the Grizzly Forebay; (7) Grizzly Forebay Tunnel, a 9,575-foot long tunnel with surge chamber conveying water from Grizzly Forebay to the head of the Bucks Creek penstocks; (8) two 4,786-foot long penstocks 53 inches to 36 inches in diameter from Grizzly Forebay Tunnel to the powerhouse; (9) Bucks Creek Powerhouse which discharges into North Fork Feather River and which contains two 33,000 kva generators driven by two Pelton double overhung impulse turbines, one rated at 40,000 horsepower and the other at 35,000 horsepower; (10) switchyard and a 1.3 mile 230 kv transmission line; and (11) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and

procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 8, 1968. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3392; Filed, Mar. 20, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1163]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

MARCH 15, 1968.

The following applications are governed by Special Rule 1.247¹ 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

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

The lands in sec. 2 are withdrawn pursuant to the filing on September 14, 1921, of an application for preliminary permit for Project No. 249 and also are withdrawn for Project No. 2136. While a preliminary permit for Project No. 249 was issued, a subsequent application for license was denied. All of the lands in secs. 1 and 2 are further withdrawn pursuant to the filing on December 22, 1959, of an application for license for Project No. 2134 which included the Grizzly Valley Reservoir. The dam site of the latter reservoir would have been located within secs. 1 and 2. However, an application was filed on August 14, 1964, for amendment of the license application for Project No. 2134 to eliminate therefrom the Grizzly Valley Reservoir which has since been constructed by the State of California as a part of its California Water Project. With the exception of Project No. 2279 mentioned above, which proposed a dam about 1 mile downstream from the State's existing Antelope Valley Dam (also part of the Water Project), no power generation at the dam sites was proposed in connection with the project withdrawals herein involved. Moreover, the water supply and available head for power development at both of the State dams are so limited that the power value of the reservoir and the subject lands is negligible.

The subject lands are part of a proposed land exchange between Applicant and the State of California involving 7,367 acres of offered State lands and 3,329 acres of Forest Service lands. The State is seeking to acquire the areas occupied by the dams forming various reservoirs comprising part of its California Water Resources' California Water Project. The lands offered by the State comprise 27 miles of reservoir shorelines and adjacent lands which are improved with a costly road system and camping and picnicking facilities. The State reservoirs around which the offered lands are situated are being used for recreation and domestic water storage purposes only and power development is not anticipated.

The Commission finds: Inasmuch as the subject lands have negligible power value, it has no objection to the cancellation or revocation by the Secretary of the Interior of Power Site Classification No. 425 insofar as it pertains to the subject lands.

The Commission orders: The power withdrawals pertaining to the subject lands pursuant to the filings of applications for Project Nos. 249, 2134, 2136, and 2279 are hereby vacated.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3391; Filed, Mar. 20, 1968; 8:45 a.m.]

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. 11185 (Sub-No. 125), filed March 6, 1968. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64120. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Aircraft and aircraft parts* requiring special handling because of fragility and (b) *aircraft parts* not requiring special handling when transported with aircraft parts requiring special handling, from the plantsite of Beech Aircraft Corp., Boulder, Colo., to the plantsite of Beech Aircraft Corp., Wichita, Kans., and (2) *aircraft parts* crated when transported with aircraft parts uncrated, from the plantsite of Beech Aircraft Corp., Wichita, Kans., to the plantsite of Beech Aircraft Corp., Boulder, Colo., under contract with Beech Aircraft Corp. NOTE: Applicant states that in MC 11185 Sub 37 it has contract carrier authority to transport "airplane parts and equipment (uncrated)" from Wichita, Kans., to points in the United States. The transportation performed can be limited to contracts with Beech Aircraft Corp. The applicant presently has a contract with Beech Aircraft Corp. and the granting of this application will not increase the number of concerns which it will serve. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 13893 (Sub-No. 11), filed February 19, 1968. Applicant: J. W. WARD TRANSFER, INC., Highway 13 East, Murphysboro, Ill. 62966. 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: *Paper and paper products, and materials, equipment, and supplies* used or useful in the manufacture and distribution of these commodi-

ties from the manufacturing and distribution facilities of the West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky., to Cairo, Ill., from the facilities of the West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky., to U.S. Highway 51, thence over U.S. Highway 51 to Cairo, Ill., and return over the same route, serving no intermediate points. NOTE: Applicant states it presently holds authority in Part B of its certificate MC 13893 as follows: (1) Between Cairo, and East St. Louis, Ill., from Cairo, over U.S. Highway 51 to the junction of U.S. Highway 460, thence over U.S. Highway 460 to East St. Louis, and return over the same route, serving the intermediate points of Tamaroa, Dowell, Elkville, Hallidayboro, and De Soto, Ill., and points on U.S. Highway 460 (except Nashville, Ill.); (2) between junction U.S. Highway 51 and junction Illinois Highway 3, and St. Louis, Mo.; from the junction of U.S. Highway 51 and Illinois Highway 3 over Illinois Highway 3 to East St. Louis, Ill., thence over U.S. Highway 50 bypass to St. Louis, Mo., and return over the same route.

(3) Between junction Illinois Highways 3 and 146, and junction Illinois Highways 3 and 149: From junction Illinois Highways 3 and 146 over Illinois Highway 146 to junction Illinois Highway 127, thence over Illinois Highway 127 to junction Illinois Highway 149, thence over Illinois Highway 149 to junction Illinois Highway 3, and return over the same route, (4) between Shawneetown, Ill., and junction U.S. Highways 460 and 51, over Illinois Highway 13 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction U.S. Highway 51, and return over the same route, (5) between junction Illinois Highways 13 and 1, and McLeansboro, Ill.: From junction Illinois Highways 13 and 1 over Illinois Highway 13 to junction Illinois Highway 142, thence over Illinois Highway 142 to McLeansboro, and return over the same route, (6) between Brookport, Ill., and Carmi, Ill., over U.S. Highway 45 to junction Illinois Highway 1, thence over Illinois Highway 1 to Carmi, and return over the same route, (7) between junction U.S. Highway 460 and Illinois Highway 37, and Mound City, Ill., from junction U.S. Highway 460 and Illinois Highway 37 over Illinois Highway 37 to Mound City, and return over the same route, (8) between Ware, Ill., and junction Illinois Highways 1 and 13, over Illinois Highway 146 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 13, and return over the same route.

(9) Between junction Illinois Highways 146 and 34 and Benton, Ill., from junction Illinois Highways 146 and 34 over Illinois Highway 34 to Benton, and return over the same route, (10) between Harrisburg and Carbondale, Ill., over Illinois Highway 13 to Carbondale, and return over the same route, (11) between Thompsonville and Murphysboro, Ill.,

over Illinois Highway 149 to Murphysboro, and return over the same route, (12) between Wittington and Belleville, Ill., over Illinois Highway 183 to Sesser, Ill., thence over unnumbered highway to junction Illinois Highway 154, thence over Illinois Highway 154 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, and return over the same route, (13) between Waltonville, Ill., and junction Illinois Highways 148 and 37, over Illinois Highway 148 to junction Illinois Highway 37, and return over the same route, (14) between Eden, Ill., and junction Illinois Highway 153 and U.S. Highway 460, over Illinois Highway 153 to junction U.S. Highway 460, and return over the same route, (15) between Ava, Ill., and junction Illinois Highways 151 and 3, over Illinois Highway 151 to junction Illinois Highway 3, and return over the same route, serving in connection with the regular-route operations above all intermediate points, except those on U.S. Highway 460 between junction U.S. Highways 460 and 51 and junction U.S. Highways 460 and 45, and those points on Illinois Highway 142 between McLeansboro, Ill., and Dale, Ill.

(16) between Carbondale, Ill., and St. Louis, Mo., serving the intermediate points between Carbondale, Tilden, Ill., including Tilden, and those between Carbondale and Steelville, Ill., including Steelville; the intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission except St. Louis, Mo.; and the off-route point of Cutler, Ill., (17) from Carbondale over Illinois Highway 13 through Tilden, Ill., to East St. Louis, Ill., and thence across the Mississippi River to St. Louis, and return over the same route, (18) from Carbondale over Illinois Highway 13 to junction Illinois Highway 4, thence over Illinois Highway 4 to Tilden, Ill., and thence over the above-specified route to St. Louis, and return over the same route. All restricted to traffic moving from and to St. Louis, Mo. NOTE: Applicant further states the purpose of the instant application is to serve the said facilities at Wyckliffe, Ky., without this restriction and by tacking at Cairo, Ill., to provide a through service. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield, Ill., or Paducah, Ky.

No. MC 20802 (Sub-No. 3), filed March 6, 1968. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Shore Drive West, Dunkirk, N.Y. 14048. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Heavy machinery and general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in the *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading), serving the plantsite of Art Metal, Inc., located approximately 6 miles west of Jamestown,

N.Y., in the township of Busti, Chautauqua County, N.Y., as an off-route point in conjunction with applicant's presently held regular route authority, set forth in MC 20802, wherein applicant is authorized to serve points in New York, New Jersey, Pennsylvania, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 20824 (Sub-No. 25), filed March 8, 1968. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. 46225. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Mitchell, Ind., and Louisville, Ky., from Mitchell over Indiana Highway 60 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Louisville, and return over the same route, serving the intermediate point of Salem, Ind. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 30844 (Sub-No. 250), filed March 1, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Awnings, doors, siding, and sash*, from Albia, Iowa, to Detroit, Mich., and Indianapolis, Ind. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Waterloo or Des Moines, Iowa.

No. MC 33953 (Sub-No. 5), filed March 8, 1968. Applicant: PHILIP S. ZANGHI, doing business as RED LINE TRANSFER COMPANY, 2320 Monumental Road, Baltimore, Md. 21227. Applicant's representative: Lawrence H. Groff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples*, in mixed truckload shipments with bananas, (1) from Baltimore, Md., to Washington, D.C., and points in Maryland, Virginia, Pennsylvania, and New York; and Camden and Bridgetown, N.J. and (2) from ports in the New York, N.Y., commercial zone, as defined by the Commission, to Baltimore, Md.; Philadelphia and Easton, Pa.; Trenton, Bridgetown, and Camden, N.J.; and Rochester, Jamestown, and Buffalo, N.Y. **NOTE:** Applicant presently holds authority to transport bananas from and to the points and States listed in this instant application. If a hearing is deemed necessary, applicant requests it to be held at Baltimore, Md., or Washington, D.C.

No. MC 37248 (Sub-No. 15), filed March 7, 1968. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, V-C Drive, Martinsville, Va. 24112. Applicant's representative:

Spencer T. Money, 411 Park Lane Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe and fittings and plastic pipe and fittings*, from the plantsites and storage yards of Charlotte Pipe & Foundry Co. at or near Bakers and Charlotte, N.C., to points in Delaware, Maryland, New Jersey, Pennsylvania, Ohio, West Virginia, and points in Kentucky and Tennessee on and east of U.S. Highway 431, (2) *refused, returned, or damaged shipments of cast iron pipe and fittings and plastic pipe and fittings* on return, and (3) *plastic materials* (except in bulk in tank or hopper vehicles), from Avon Lake, Ohio, and Louisville, Ky., to the plantsites or storage yards of Charlotte Pipe & Foundry Co. at or near Bakers and Charlotte, N.C. **NOTE:** Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 41706 (Sub-No. 7), filed March 4, 1968. Applicant: TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405. Applicant's representatives: McTighe, Koch, Brown, and Weiss, 11 East Airy Street, Norristown, Pa. 19401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parcels and packages*, (a) from Wilmington, Del., Upper Darby, Pa., and points in Philadelphia and Montgomery Counties, Pa., to points in New Jersey bounded by the Delaware River, Woodstown, Clayton, Atco, Mount Holly, and Burlington, N.J.; and (b) from Moorestown, N.J., and Wilmington, Del., to points in Philadelphia, Montgomery, Delaware, Bucks, and Chester Counties, Pa.; and (2) *returned shipments* of the above commodities from above destinations to the above origins. Restriction: (1) No single parcel or package to exceed 50 pounds, nor an overall dimension of 6 cubic feet, and (2) restricted to service from retail department stores. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 42963 (Sub-No. 42), filed March 11, 1968. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from the plantsite of Missouri Portland Cement Co., at St. Louis, Mo., to points in Illinois, Iowa, Arkansas and Kentucky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 51146 (Sub-No. 82), filed March 7, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: (1) *Paper and paper products*, from Columbus, Ind., to points in Illinois, Kentucky, Missouri, Michigan, Ohio, and Wisconsin and (2) *materials and supplies* used in the manufacture and distribution of paper and paper products, and *returned and rejected shipments* of the above-described commodities on return. **NOTE:** Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52574 (Sub-No. 37), filed February 23, 1968. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, potato chips, popcorn* (1) from points in Pennsylvania on and east of U.S. Highway 15 to Linden, N.J., and (2) from Linden, N.J., to Baltimore, Md., and Washington, D.C., under contract with Gourmet Bakers, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 58973 (Sub-No. 4), filed March 11, 1968. Applicant: ABLER TRANSFER, INC., Post Office Box 708, South Eighth Street, Norfolk, Nebr. 68701. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry; condimental or medicinal feeding compounds or preparations; feed supplements; mineral mixtures; dip, animal or poultry; and insecticides* (except in bulk), (1) from Norfolk, Nebr., to Storm Lake and Atlantic, Iowa, and (2) from Kansas City, Mo., to Norfolk, Nebr., and Storm Lake and Atlantic, Iowa, and *pallets, platforms, skids, or containers* on return movement when immediate preceding transportation was by this carrier. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 59150 (Sub-No. 37), filed March 6, 1968. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of Panel Products Co., at or near Lithonia, Ga., to points in Alabama, Mississippi, South Carolina, North Carolina, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 61403 (Sub-No. 179), filed March 8, 1968. 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. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Chemicals*, in bulk, from the plantsite and storage facilities of Reichhold Chemicals, Inc., located at Charlotte, N.C., to points in the United States (except Alaska and Hawaii) restricted to traffic originating at the site of the plant or storage facilities of Reichhold Chemicals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 61592 (Sub-No. 103), filed March 1, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in the St. Paul-Minneapolis, Minn., commercial zone, to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) *materials and supplies* used in the manufacture of iron and steel articles, from points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin to points in the St. Paul-Minneapolis, Minn., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 65802 (Sub-No. 37), filed March 1, 1968. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), between points in Alaska north of Yakutat Bay, on the one hand, and, on the other, points in Alaska south of Yakutat Bay, including southeastern Alaska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 68694 (Sub-No. 3), filed January 29, 1968. Applicant: BILLY LEE CAMPBELL and SHIRLY CAMPBELL, a partnership, doing business as BILLY LEE CAMPBELL, Box 1042, North Platte, Nebr. 69101. Applicant's representative: R. W. Satterfield, 112 North Dewey Street, North Platte, Nebr. 69101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from North Platte, Nebr., to Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at North Platte or Lincoln, Nebr.

No. MC 73165 (Sub-No. 246), filed March 11, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representatives: Ocie M. Cook, (same address as applicant), and Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plant site of Tyler Pipe Industries, Tyler, Tex., and points in Alabama. NOTE: Applicant states it intends to tack with its present authority in MC 73165, Subs 102, 155, 179, 183, 184, 199, 203, and 213 at points in Alabama to serve points in Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 75281 (Sub-No. 5), filed February 27, 1968. Applicant: RIGHTER TRUCKING COMPANY, INCORPORATED, 1531 North 11th Street, St. Louis, Mo. 63106. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Wickliffe, Ky., and the plantsite of the West Virginia Pulp & Paper Co. near Wickliffe, Ky., as off-route points in connection with applicant's authorized regular routes in Missouri and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Memphis, Tenn.

No. MC 76025 (Sub-No. 5) (Correction), filed February 5, 1968, published in FEDERAL REGISTER issue of February 15, 1968, and March 14, 1968, and republished as corrected this issue. Applicant: OVERLAND EXPRESS, INC., 498 First Street NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, (1) between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, on the one hand, and, on the other, Grand Island, Lincoln, and Norfolk, Nebr., and Huron, S. Dak., and (2) from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and Albert Lea and New Richland, Minn., to Carbondale and Eldorado, Ill., under contract with Nash-Finch Co., and Land O'Lakes Creameries, Inc. NOTE: The purpose of this republication is to show the city as being New Richland in lieu of New Richmond in No. (2) above. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 87720 (Sub-No. 78), filed March 8, 1968. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper bags, printed paper rolls, textile bags or bagging (cotton or burlap), laminated textiles, woven paper fabric bags and bagging, pastic bottles, and closures therefor*, from Seattle, Wash., to points in Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, and Arizona, (2) *plastic bags and sheeting*, from Union City, Calif., to Seattle, Wash., (3) *paper bags and closures therefor, paper rolls, plastic liners*, from Vancouver, Wash., to points in Oregon, California, Idaho, Montana, Wyoming, Nevada, Utah, Colorado, and Arizona, (4) *plastic bags and sheeting*, from Union City, Calif., to Vancouver, Wash., and (5) *returned shipments*, from the above-described destination territories to Vancouver and Seattle, Wash., under contract with Bemis Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Seattle, Wash.

No. MC 92068 (Sub-No. 3), filed March 7, 1968. Applicant: MUTUAL TRANSPORTATION, INCORPORATED, President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Samuel Abraham Baroody (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Washington, D.C., to the city of Fairfax, Va., and Baltimore and Annapolis, Md., restricted to traffic originating at the facilities of Mutual Pool Car Agency in Washington, D.C.; and having an immediate prior movement by rail or truck. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 92068 (Sub-No. 2), filed March 7, 1968. Applicant: MUTUAL TRANSPORTATION, INCORPORATED, President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Samuel Abraham Baroody (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Baltimore, Md., to Bel Air, Reisterstown, and Annapolis, Md., restricted to traffic originating at the facilities of Mutual Pool Car Agency in Baltimore, Md., and having an immediate prior movement by rail or truck. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 93151 (Sub-No. 5), filed February 29, 1968. Applicant: ROWE CAMBRIDGE, Rural Delivery No. 3, Tyrone, Pa. Applicant's representative: V. Baker

Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Tyrone, Pa., to points in Vermont, under contract with West Virginia Pulp & Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (Sub-No. 724), filed February 19, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Weslaco, and Hidalgo, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Louisiana, and Mississippi. Restriction: Service to points in Louisiana and Mississippi restricted to stopoffs in transit for partial unloading only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 102616 (Sub-No. 824), filed March 5, 1968. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Harold G. Hernly, 711 Fourteenth Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 103654 (Sub-No. 134), filed March 4, 1968. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. 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: *Petroleum products*, in bulk, from Wausau, Wis., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 322), filed February 21, 1968. 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: (1) *House boats*, designed to be drawn by passenger automobiles, in initial movements, from points in Saline County, Kans., to points in the United States, excluding Alaska and Hawaii; (2) *house boats*, designed to be drawn by passenger automobiles, in secondary movements, from points in

Putnam County, Ohio, to points in the United States, excluding Alaska and Hawaii; and (3) *special purpose trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Merrimack County, N.H., to points in the United States, excluding Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 104004 (Sub-No. 171), filed March 1, 1968. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 69-20 Fresh Pond Road, New York (Ridgewood), N.Y. 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) serving unrestricted Stuarts Draft, Va., and points within 3 miles of the U.S. Post Office at Stuarts Draft, Va., as off-route points to and from applicant's authorized routes between New York, N.Y., and Roanoke and Covington, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106163 (Sub-No. 25), filed March 6, 1968. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., Post Office Box 7608, 2600 West Sixth Avenue, Pine Bluff, Ark. 71601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. 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, and those requiring special equipment, between Crossett, Ark., and Sterlington, La., from Crossett, over U.S. Highway 82 to junction U.S. Highway 167, thence over U.S. Highway 167 to junction Louisiana Highway 2, thence over Louisiana Highway 2 to junction U.S. Highway 165, serving all intermediate points (except El Dorado, Ark.), and subject to all present restrictions in applicant's certificate. NOTE: If a hearing is deemed necessary, applicant requests it be held at Monroe, La., or Little Rock, Ark.

No. MC 106278 (Sub-No. 27), filed February 27, 1968. Applicant: E. B. LAW AND SON, INC., Post Office Box 1381, 300 South Eight Street, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to points in New Mexico and Arizona including points on the Mexican Border in both States. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 107162 (Sub-No. 20) (Amendment), filed February 8, 1968, published in the FEDERAL REGISTER issue of Febru-

ary 29, 1968, amended and republished as amended this issue. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's representative: John T. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber*, (1) from points in the Lower Peninsula of Michigan, to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Missouri, and Wisconsin, (2) from points in Indiana, to points in Illinois, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, (3) from points in Michigan and Wisconsin, to points in Kansas, Nebraska, North Dakota, South Dakota, and Tennessee, (4) from points in Minnesota, to points in the Lower Peninsula of Michigan and Wisconsin, (5) from Mellen and Goodman, Wis., Mohawk, Mich., and the port of entry on the international boundary line between the United States and Canada located at Sault Ste. Marie, Mich., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and South Carolina, (6) from points in Ohio, to points in Indiana, Illinois, Iowa, Michigan, Minnesota, and Wisconsin, and (7) from points in Illinois, Iowa, Missouri, Kansas, Kentucky, and Nebraska, to points in Michigan and Wisconsin, (8) from points in Wyoming to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin; and, (B) *plywood*, from points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee, to points in Michigan, Minnesota, and Wisconsin. NOTE: The purpose of this amendment is to broaden the authority sought by adding points under 8, above and commodities and points under (b), above. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 107227 (Sub-No. 101), filed March 4, 1968. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John C. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General purpose wheeled amphibious motor vehicles*, in initial movements, in truck-away service, from Chico, Calif., to points in the United States (including Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107496 (Sub-No. 641), filed March 6, 1968. 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: *Dry fertilizer*, in bulk pneumatic equipment, from Denver, Colo., to points in Kansas and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Denver, Colo.

No. MC 107496 (Sub-No. 644), filed March 7, 1968. 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: *Chemicals, acids, and gases*, from points in Hennepin, Ramsey, Dakota, Scott, Washington, and Carver Counties, Minn., to points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Illinois, Upper Michigan, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 645), filed March 7, 1968. 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: *Fats, greases, and tallow*s, from points in Wisconsin to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 107496 (Sub-No. 646), filed March 8, 1968. 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: *Fertilizers, herbicides, and insecticides, and product thereof*, in containers, from Fort Madison, Burlington, and Donnellson, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines or Davenport, Iowa.

No. MC 107515 (Sub-No. 604), filed March 6, 1968. 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: *Meats, meat products and meat byproducts* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Augusta, Ga., to points in Alabama, Tennessee, Mississippi, Louisiana, and Florida. NOTE: Common control may be involved. Applicant states that the above proposed authority could be tacked with its present authority in Sub 478, at Montgomery, Ala., to serve points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108207 (Sub-No. 238), filed March 4, 1968. Applicant: FROZEN

FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Houston, Tex., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 109478 (Sub-No. 107), filed March 4, 1968. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. 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: *Food products* from Hanson, Onset, and Middleboro, Mass., to points in New York on and east of New York Highway 14. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Boston, Mass., New York or Buffalo, N.Y.

No. MC 109533 (Sub-No. 35), filed March 6, 1968. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1035, 1875 Connecticut Avenue NW., Washington, D.C. 20009. 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, and commodities requiring special equipment), (1) between Chattanooga and Memphis, Tenn., over U.S. Highway 64, serving no intermediate points and serving Chattanooga for purpose of joinder only, and (2) between Nashville and Memphis, Tenn., over Interstate Highway 40, serving no intermediate points and serving Nashville for purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville or Chattanooga, Tenn.

No. MC 109637 (Sub-No. 338), filed March 11, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, between Lawrenceburg, Ind., on the one hand, and, on the other, St. Louis, Mo., and Schenley, Pa. NOTE: Applicant states it could tack with its presently held authority in MC 109637 Sub 156, wherein it is authorized to conduct operations in the States of Indiana, Illinois, Maryland, Massachusetts, New York, Ohio, and Pennsylvania. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 46), filed February 28, 1968. Applicant: HIGHWAY TRANSPORT, INC., Post Office

Box 79, Powell, Tenn. Applicant's representative: Hoyt Starr, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquer and paint thinner*, from Kansas City, Kans., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Tampa, Fla.

No. MC 111383 (Sub-No. 25), filed March 11, 1968. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, Dallas Tex. 75208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (a) from Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City, to St. Louis, Mo., and Chicago, Ill., (b) from points in that part of Illinois on and east of a line beginning at Alton, Ill., and extending along U.S. Highway 67 to Virginia, Ill., thence along Illinois Highway 78 to Keokuk, Ill., thence along U.S. Highway 34 to junction Illinois Highway 88, thence along Illinois Highway 88 to Sterling, Ill., thence along Illinois Highway 2 to Dixon, Ill., and thence along Illinois Highway 26 to the Illinois-Wisconsin State line, and on, north and west of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 9 to Gibson City, Ill., thence along U.S. Highway 54 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 66, and thence along U.S. Highway 66 to the Mississippi River at a point north of East St. Louis, Ill., to points in Oklahoma.

(c) From St. Louis, Mo., to Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City; (2) *carbide*, from Keokuk, Iowa, to points in Oklahoma; (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (a) from Oklahoma City, Okla., and points in Oklahoma, within 125 miles of Oklahoma City to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone (except St. Louis, Mo.), and to points in the Chicago, Ill., commercial zone (except Chicago, Ill.), (b) from points in Indiana within the Chicago, Ill., commercial zone, to points in Oklahoma, (c) from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone (except St. Louis, Mo., and except points in Illinois in the aforesaid zone which are located on and north of U.S. Highway 66), to Oklahoma City, Okla., and points in Oklahoma within 125 miles of Oklahoma City, and

(4) *Returned empty carbide containers*, from points in Oklahoma to Keokuk, Iowa. NOTE: Applicant states that in

Docket No. MC-F-8358 the Interstate Commerce Commission has approved the purchase by applicant, of the operating rights of Warren G. Shaylor, W. Thurman Shaylor, guardian (Clarinda K. Shaylor, executrix), confirmed in No. MC-70380 and Subs Nos. 1 and 2, which rights were authorized to be unified with rights otherwise confirmed in Braswell Motor Freight Lines, Inc., and such operating rights to be embraced in a certificate to be issued in its name: *Provided, however*, That such operating authority acquired from Warren G. Shaylor, W. Thurman Shaylor, guardian (Clarinda K. Shaylor, executrix), shall not be combined or joined with any other authority presently held by applicant for the purpose of providing single-line service to or from points in Arizona and California. Applicant further states that this application is filed for the purpose of removing the restriction against providing single-line service to or from points in Arizona and California so that applicant can under its authority unified with the acquired authority render single-line service to and from points in Arizona and California. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., and Los Angeles, Calif.

No. MC 111401 (Sub-No. 246), filed March 4, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, from Dodge City, Kans., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that it intends to tack at Dodge City, Kans., on meat products moving under MC 111401 Sub 173, from Garden City, Kans.

No. MC 111401 (Sub-No. 247), filed March 8, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Farmland Industries Nitrogen Plant at or near Dodge City, Kans., to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa. Note: Applicant states it intends to tack at Dodge City, Kans., on anhydrous ammonia authorized under Certificate MC 111401. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 111720 (Sub-No. 7), filed March 7, 1968. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, a

partnership, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th Street, Post Office Box 40, Sioux Falls, S. Dak. 57101. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux Falls and Madison, S. Dak., to points in Ohio (except Toledo, Columbus, Dayton, and Steubenville), Pennsylvania (except Pittsburgh), Michigan, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, ginia, West Virginia, and the District of Columbia, under contract with John Morrell & Co. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., Minneapolis, Minn., or Omaha, Nebr.

No. MC 111729 (Sub-No. 258), filed March 4, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* (except cash letters), (a) between Paducah, Ky., on the one hand, and, on the other, points in Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, and Williamson Counties, Ill.; points in Bollinger, Butler, Cape Girardeau, Mississippi, New Madrid, Perry, Scott, Stoddard, and Wayne Counties, Mo.; and points in Benton, Carroll, Dyer, Gibson, Henry, Lake, Obion, and Weakley Counties, Tenn., (b) between Cleveland, Ohio, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Henry, Pittsylvania, and Roanoke Counties, Va., and points in Forsyth County, N.C., and (c) between Sandusky, Ohio, on the one hand, and, on the other, Bloomfield, Mich., (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between points in Fairfield County, Conn., on the one hand, and, on the other, points in Worcester County, Mass.

(3) *Drugs, narcotics, pharmaceuticals, and drug products*, between Cleveland, Ohio, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Henry, Pittsylvania, and Roanoke Counties, Va.; and points in Forsyth County, N.C., (4) *vinyl coated fabric samples* between Sandusky, Ohio, on the one hand, and, on the other, Bloomfield, Mich., restricted against the

transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, (5) *radiopharmaceuticals, radioactive drugs, and medical isotopes*, between Columbus, Ohio, on the one hand, and, on the other, points in Boyd, Carter, Elliott, Greenup, Lawrence, and Lewis Counties, Ky., points in Cabell, Jackson, Kanawha, Lincoln, Mason, Putnam, and Wayne Counties, W. Va.; points in Adams, Athens, Fairfield, Fayette, Gallia, Highland, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Pickaway, Pike, Ross, Scioto, Vinton, and Washington Counties, Ohio, having an immediately prior or subsequent movement by air, and (6) *payroll checks, business papers, records, and audit and accounting media* of all kinds, between Carlstadt (Bergen County), N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Washington, D.C. Note: Applicant holds contract carrier authority under Docket No. MC 112750 and subs, therefore, dual operations may be involved. Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 111812 (Sub-No. 360) (Amendment), filed February 1, 1968, published FEDERAL REGISTER issue of February 15, 1968, amended March 5, 1968, and republished as amended this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. 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: (1) *Frozen foods*, (a) from Portland, Maine, to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, (b) from Watertown, Mass., to points in District of Columbia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, and (c) from Belfast, Maine, to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin and (2) *potato products* (other than frozen) from Presque Isle, Maine, to points in Delaware, District of Columbia, Illinois, Iowa, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. Note: The purpose of this republication is to change the origin point in (1) (c) from Penobscott, Maine, to Belfast, Maine. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 111956 (Sub-No. 15), filed March 5, 1968. Applicant: SUWAK TRUCKING COMPANY, a corporation,

1105-15 Fayette Street, Washington, Pa. 15301. 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: (1) *Glass containers, caps, stoppers, and covers*, from points in McKean County to points in that part of Indiana on and north of U.S. Highway 40; the Lower Peninsula of Michigan and that part of Ohio, on and west of a line beginning at Portsmouth, Ohio, thence over U.S. Highway 23 to Marion, Ohio, and thence over Ohio Highway 4 to Sandusky, and (2) *materials, equipment, and supplies* used in the manufacture, packing, and shipping of glass containers, caps, stoppers, and covers, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112588 (Sub-No. 13), filed March 8, 1968. Applicant: RUSSELL TRUCKING LINE, INC., 2015 Cleveland Road, Sandusky, Ohio 44870. Applicant's representative: Charles B. Myers, 611 Field Building, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* used in the installation and application of such commodities, from the plantsite of the United States Gypsum Co., at Gypsum, Ohio, to points in Indiana, Kentucky, Michigan, Ohio, West Virginia; points in Garrett, Allegheny, and Washington Counties, Md.; points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties; and points in Pennsylvania in and west of Tioga, Lycoming, Union, Snyder, Juniata, Perry, Cumberland, and Adams Counties, and returned shipments of the above commodities, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Cleveland, Ohio, or Washington, D.C.

No. MC 112617 (Sub-No. 246), filed February 27, 1968. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 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: *Fertilizer and fertilizer materials*, in bulk, from points in Daviess County, Ky., to points in Illinois, Indiana, and Kentucky. NOTE: Applicant indicates tacking possibilities with its presently held authorities. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 82), filed March 6, 1968. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. 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: *Fertilizer solutions*, in bulk, in tank vehicles, from Athens, Ill., to points in Iowa and Indiana. NOTE: If a hearing is deemed neces-

sary, applicant requests it be held at Chicago, Ill.

No. MC 112962 (Sub-No. 7), filed February 26, 1968. Applicant: CRUPPER TRANSPORT CO., INC., 2908 North Plum, Hutchinson, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products and products used in argiculture, water treatment, food processing, wholesale groceries, and institutional supply industries* when shipped in mixed truckloads with salt and salt products, (1) from the plantsites of Carey Salt Co. and Barton Salt Co. located at Hutchinson, Kans., to points in Missouri (except St. Louis) and (2) from the plantsite of Motor Salt Co. located at South Hutchinson, Kans., to points in Missouri (except St. Louis). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113362 (Sub-No. 145), filed March 8, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of American Home Foods, division of American Home Products Corp., La Porte, Ind., to points in North Dakota and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 146), filed March 7, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Monroe, Orleans, and Wayne Counties, N.Y., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 312), filed March 4, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), from the plantsite and storage facilities of Blue Ribbon Beef Pack, Inc., near Le Mars, Iowa, to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Nebraska,

New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia restricted to traffic originating at the plantsite and storage facilities of Blue Ribbon Beef Pack, Inc., near Le Mars, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114019 (Sub-No. 185), filed March 4, 1968. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. 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: *Building, roofing and insulating materials, and pipeline coating*, from Indianapolis, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 310), filed February 29, 1968. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and brewery supplies*, from Newark, N.J., to points in Louisiana and Texas, and (2) *refused, rejected, and empty beverage containers*, from points in Louisiana and Texas to Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 27), filed February 28, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Cedar Rapids, Iowa 52408. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening, cooking and salad oils, and matches*, in containers, and *canned goods*, from Chicago, Ill., and Northlake, Ill., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids or Des Moines, Iowa, or Chicago, Ill.

No. MC 114364 (Sub-No. 160), filed March 4, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall-board*, from points in Angelina County, Tex., to points in Arizona, Colorado, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests

it be held at Dallas, Tex., or Denver, Colo.

No. MC 114364 (Sub-No. 161), filed March 11, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and canned dog food*, from Proctor and Kansas, Okla., Siloam Springs, and Gentry, Ark., and the plantsite of Allen Canning Co., located approximately 10 miles east of Siloam Springs, Ark., to points in Ohio, Michigan, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Louisiana, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Tulsa, Okla.

No. MC 114890 (Sub-No. 33), filed March 5, 1968. Applicant: C. E. REYNOLDS TRANSPORT, INC., 2209 Range Line, Joplin, Mo. 64802. Applicant's representative: J. David Harden, Jr., 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Farmland Industries Inc.'s nitrogen plant at or near Dodge City, Kans., to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115162 (Sub-No. 153), filed February 26, 1968. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2023-2028 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, paneling, and building board*, from Blountstown, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Texas, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 115268 (Sub-No. 6), filed March 4, 1968. Applicant: DAYTON TRANSPORT CORPORATION, Post Office Box 35, Dayton, Va. 22821. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (case, iron, plate or sheet), pipe fittings, plates (structural), rivets, rods, sheets, slabs, wire rope, and accessories for beams and joists*, from Troutville, Va., to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 15 through Durham, Sanford, Aberdeen, and Laurinburg, N.C., to the North Carolina-South Carolina State line, points in Tennessee on and east of

a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25W through Highland Park and Clinton, Tenn., to Knoxville, Tenn., and on and north of a line beginning at Knoxville, Tenn., and extending along U.S. Highway 25W through Dandridge, Tenn., to Newport, Tenn., and thence along U.S. Highway 25 through Del Rio, Tenn., to the Tennessee-North Carolina State line, and points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line, and extending along U.S. Highway 33 through Longdale, Ripley, Weston, Elkins, and Franklin, W. Va., to the West Virginia-Virginia State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 115669 (Sub-No. 86), filed February 29, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. 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: *Salt and salt products, and products used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed truckloads with salt and salt products, from Hutchinson and Lyons, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri (except St. Louis), Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 116077 (Sub-No. 234), filed March 5, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caprolactam*, in bulk, in tank vehicles, from Taft, La., to Spirit Lake, Iowa, and Manchester N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116325 (Sub-No. 54), filed March 7, 1968. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet bins, pallet material, pallet racks, skids, boxes, blocking, poles, posts, lumber and forest products, timbers, crating*, (1) from points in Missouri to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin; and, (2) from points in Illinois to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Wisconsin, Kansas, and Tennessee. NOTE: Applicant states it intends to tack whenever possible. If a hearing is deemed necessary, applicant

requests it be held at St. Louis or Jefferson City, Mo.

No. MC 117187 (Sub-No. 3), filed March 4, 1968. Applicant: TEXAS-VERMONT TRANSPORT, INC., Box 13, Route 540, San Antonio, Tex. 78209. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite and granite products*, from Barre, Vt., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, under contract with The Barre Granite Association and Rock of Ages Corp. of Barre, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117327 (Sub-No. 8), filed March 4, 1968. Applicant: AIR CARGO TERMINALS, INC., Municipal Airport, Kansas City, Mo. 64105. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lambert-St. Louis Municipal Airport, St. Louis, Mo., on the one hand, and, on the other, Mid-Continent Airport, Municipal Airport, and Fairfax Airport, Kansas City, Mo.-Kans., restricted to traffic having an immediately prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 111), filed March 8, 1968. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Middletown, Ohio, to points in Wisconsin, (2) *paper and paper products*, from West Carrollton, Ohio, to points in Illinois on and north of U.S. Highway 136, and Wisconsin and (3) *paper and paper products, foil, foil or foil wrapper backed with paper, cellulose film, plastic coated paper*, from Dayton, Ohio, to points in Illinois on and north of U.S. Highway 136, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 118101 (Sub-No. 7), filed February 27, 1968. Applicant: RAY GILBERT, JR., Route No. 1, Box 305, Muskogee, Okla. 74401. Applicant's representative: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Smith Center, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 118263 (Sub-No. 1), filed February 23, 1968. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. 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: (1) *Dough, bread, biscuits, rolls, cakes, cookies, pastries, and pies*, unbaked, from Louisville, Ky., and Atlanta, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) *biscuits, bread, cakes, cookies, dough, pastries, pies, and rolls*, unbaked, from Denison, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee, (3) *the commodities* classified as (a) meats, meat products, and meat byproducts in the appendix to the report in modification of *Permits—Packinghouse Products*, 48 M.C.C. 628, from Louisville, Ky., to Boston, Mass., Baltimore, Md., and points in Florida, New York, New Jersey, and Pennsylvania, (4) *meats, meat products, and meat byproducts*, from Lexington, Ky., to Miami, Fla., Boston, Mass., Newark, N.J., New York, N.Y., and Philadelphia, Pa., (5) *meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Ky., to points in Connecticut, Indiana, Maryland, Massachusetts (except Boston, Mass.), New Jersey (except Newark, N.J.), New York (except New York, N.Y.), Pennsylvania (except Philadelphia, Pa.), and the District of Columbia.

(6) *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Klarer of Kentucky, Inc., at Louisville, Ky., to Wilmington, Del., Worcester and Salem, Mass., and Montgomery, Ala. (7) *meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Armour & Co. at Lexington, Ky., to Chattanooga and Knoxville, Tenn., and points in Florida, North Carolina, South Carolina, and Virginia (8) *frozen foodstuffs*, from the plantsite of Pet, Inc. (formerly Pet Milk, Inc.), at Allentown, Pa., to points in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia (9) *meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Armour & Co. at Lexington, Ky., to points in Maine, New Hampshire, Vermont, and Rhode Island.

(10) *Frozen foods*, in mixed loads with shipments of Pet Milk Co. originating at

Allentown, Pa., from the plantsite and storage facilities of the Pet Milk Co., Frozen Foods Division, at Chambersburg, Pa., and from storage facilities utilized by the aforementioned company at points within 25 miles of Chambersburg, to points, in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, (11) *prepared foodstuff*, except in bulk, in vehicles equipped with mechanical refrigeration, (a) from the plantsite and warehouse facilities of Pillsbury Co. at Louisville, Atlanta, and New Albany, to Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, (b) from the plantsite and warehouse facilities of Pillsbury Co. at East Greenville to Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and the District of Columbia, (12) *bakery products*, unbaked, from Downingtown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Maryland, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia.

(13) *Prepared dough*, from Downingtown, Pa., to Atlanta, Ga., and Louisville, Ky., (14) *meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Klarer of Kentucky, Inc., to points in Alabama (except Montgomery, Ala.), Massachusetts (except Boston, Salem, and Worcester, Mass.), Michigan, North Carolina, Ohio, and South Carolina, (15) *frozen prepared foods*, from the plantsite and warehouse facilities of Standard Foods, Inc., at Clarksville, Ind., and Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, (16) *fresh meats*, in vehicles equipped with mechanical refrigeration, from Union City and Memphis, Tenn., to New York, N.Y., and points in the New York, N.Y., commercial zone, (17) *frozen prepared foods*, from the plantsite of Stouffer Foods Corp. at Quincy, Ill., to points in Indiana, Ohio, Georgia, and Florida, (18) *vegetable oil base, cream substitutes, and half and half dairy products*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of Oscar Ewing, Inc., doing business as Food Specialties of Kentucky at Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota,

Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

(19) *Canned citrus products, canned juices, canned drinks, canned beverages, and canned beverages preparations*, from the plantsite of Tropicana Products Sales, Inc., at Bradenton, Fla., to points in Kentucky, Ohio, Indiana, Michigan, Tennessee, West Virginia, Pennsylvania, Virginia, Maryland, and the District of Columbia. Restriction: The authorities stated above are restricted against tacking or joinder one with the other for the purpose of performing a through service. Note: Applicant states (1) it is presently authorized to conduct the above operations pursuant to permits issued in Docket No. MC 111069 and subs thereto under active contracts with shippers covering this authority; (2) It would surrender its contract carrier authority upon approval of the instant application; (3) The purpose of this application is to seek to convert the present authority of applicant from contract carrier to common carrier. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 118288 (Sub-No. 29), filed February 29, 1968. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *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 Certificate* 61 M.C.C. 209 and 766; (2) *dairy products*; and (3) *commodities*, the transportation of which is partially exempt, pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with the commodities in (1) and (2) above; between points in Montana. Note: Applicant states that tacking could take place at Billings, Mont., to serve Wyoming, Oregon, Washington, Idaho, and California. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118883 (Sub-No. 1), filed March 11, 1968. Applicant: VAN E. HAMLETT, Post Office Box 8009, Nashville, Tenn. 37207. Applicant's representative: Robert H. Cowan, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* and (2) *pesticides, herbicides, fungicides, insecticides, and related advertising materials*, when moving in mixed loads with fertilizer, from points in Davidson County, Tenn., to points in Alabama, Kentucky, and Virginia. Note: Applicant holds contract carrier authority under MC 116204 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119268 (Sub-No. 71), filed March 4, 1968. Applicant: OSBORN,

INC., 125 Milton Avenue SE., Atlanta, Ga., 30315. Applicant's representative: John P. Carlton, 325-29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; materials, equipment, and supplies* used in the manufacture and distribution of the above described commodities; other than commodities in bulk, in tank trucks, and those requiring special equipment because of size or weight, between points in Wisconsin on the one hand, and, on the other points in Alabama, Florida, Georgia, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119619 (Sub-No. 9), filed March 7, 1968. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43 Street, Chicago, Ill. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Brown County, Wis., to points in Connecticut, Delaware, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119702 (Sub-No. 32), filed March 4, 1968. Applicant: STAHLY CARTAGE CO., a corporation, Post Office Box 486, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: Wendell Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, from Selma (Jefferson County), Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119777 (Sub-No. 100), filed February 27, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Union County, Miss., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Kansas, Kentucky, Missouri, Ohio, Tennessee, and Texas. NOTE: Applicant holds contract carrier authority in MC 126970 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant

requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 120634 (Sub-No. 16), filed February 16, 1968. Applicant: JOE HODGES TRANSPORTATION CORPORATION, Post Office Box 82397, Oklahoma City, Okla. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dallas, Tex., and Terral, Okla., from Dallas over Texas Highway 114 to junction combined U.S. Highways 287 and 81, thence over U.S. Highways 287 and 81 to Terral, and return over the same route serving the junction of Texas Highway 114 and U.S. Highways 81 and 287 as a point of joinder only, and (2) between Dallas and Wichita Falls, Tex., from Dallas over Dallas-Fort Worth Turnpike to Fort Worth, thence over combined U.S. Highways 287 and 81 to Wichita Falls, and return over the same route, serving Fort Worth, Tex., as an intermediate point, and the junction of U.S. Highways 287 and 81 and Texas Highway 114 as a point of joinder only, and serving Wichita Falls as a point of joinder with carrier's present authority only, restricted in (1) and (2) above against the handling of traffic moving to, from, or through Memphis, Childress, Quanah, and/or Vernon, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., and Dallas, Tex.

No. MC 123054 (Sub-No. 8), filed March 6, 1968. Applicant: R. & H. CORPORATION, 295 Grand Avenue, Clarion, Pa. 16214. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers, closures, and fiberboard or pulpboard boxes*, from Bridgeton, N.J., to points in New York (except Sullivan, Ulster, Dutchess, Putnam, Westchester, Orange, Rockland, New York, Nassau, and Suffolk Counties), and points in Pennsylvania on and west of U.S. Highway 15, (2) *materials and supplies* (except in bulk) used in the manufacture of glass containers between Clarion, Pa., on the one hand, and, on the other, Brockport, N.Y., and (3) *glass containers and fiberboard boxes* from Brockport, N.Y., to Schenley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123245 (Sub-No. 4), filed February 28, 1968. Applicant: LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo. 63471. 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: *Dry animal and poultry feed, and feed ingredients*, from points in the Kansas City, Mo.-Kans.,

commercial zone, as defined by the Commission, and Hutchinson, Kans., to points in Illinois, Iowa, Missouri, and Wisconsin. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. 113865 and Subs 8 and 9, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 123407 (Sub-No. 36), filed March 7, 1968. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel), *attachments, parts, and fittings*, from the plantsite of Orangeburg Manufacturing Co. in Rootstown Township, Portage County, Ohio, to points in Illinois, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Missouri, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123407 (Sub-No. 37), filed March 7, 1968. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paneling, wallboard, pulpboard, hardboard, insulation, and insulation materials, and materials and accessories used in the installation of wallboard, pulpboard, hardboard, insulation, and insulation materials, and padding and cushioning materials, and building materials*, from Bemidji, Cloquet, Duluth, Floodwood, and Virginia, Minn., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, and (2) *mulch, firewood, and nonwoven fabrics*, from Cloquet, Minn., to Illinois, Indiana, Michigan, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 123778 (Sub-No. 11), filed March 11, 1968. Applicant: JOSEPH BAIO, doing business as UNITED NEWS-PAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine racks, and advertising matter* shipped with magazines, from New York, N.Y., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, and that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State Line, and on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State line, and Wilmington, Del., under

contract with U.S. News & World Report. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124032 (Sub-No. 7), filed February 28, 1968. Applicant: REED'S FUEL COMPANY, a corporation, 138 Fifth Street, Springfield, Ore. 97477. Applicant's representative: Henry J. Camarot, 655 North A Street, Springfield, Ore. 97477. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, with no exceptions, from points in Douglas, Benton, Lane, and Linn Counties, Ore., to Yaquina Bay, Coos Bay, Florence, and Portland, Ore., and Vancouver, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene, Salem, or Portland, Ore.

No. MC 124032 (Sub-No. 8), filed March 4, 1968. Applicant: REED'S FUEL COMPANY, a corporation, 138 Fifth Street, Springfield, Ore. 97477. Applicant's representative: Henry J. Camarot, 655 North A Street, Springfield, Ore. 97477. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, with no exceptions, between points in Lane, Linn, Douglas, Marion, Polk, Benton, Clackamas, Yamhill, and Lincoln Counties, Ore., and Astoria, Ore. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene, Salem, or Portland, Ore.

No. MC 124175 (Sub-No. 4), filed March 4, 1968. Applicant: ALBERT DE LOTTO AND JOHN PETERSON, doing business as PLAZA TRUCKING CO., 26 Grant Street, East Paterson, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Athletic goods, oils, greases, advertising materials, supplies* used in the business and sale of athletic goods (except commodities in bulk). (1) between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, the plantsite of Kingfisher Corp., at Tolland, Conn., and (2) between the plantsite and warehouse of the Garcia Corp., in Teaneck, N.J., on the one hand, and, on the other, the plantsite of Kingfisher Corp., at Tolland, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124303 (Sub-No. 3), filed February 27, 1968. Applicant: OTTO RUTZER, doing business as RUTZER TRANSPORT, Post Office Box 13, Nahcotta, Wash. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between points in Washington, on the one hand, and, on the other, points in Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 124770 (Sub-No. 8), filed March 4, 1968. Applicant: TELLERI TRUCKING CO., a corporation, 301 Allen Street, Elizabeth, N.J. 07202. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration, (1) between Linden and Newark, N.J., on the one hand, and, on the other, Philadelphia, Pa., Baltimore and Landover, Md., and Washington, D.C., and (2) between Newark, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., Kingston, Albany, and Troy, N.Y., points in Fairfield County, Conn., New Haven, and Hartford, Conn., and Boston, Mass., under a continuing contract or contracts with Food Fair Stores, Inc., and its subsidiaries Allen Packing Co., and Midtown Veal & Mutton Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124774 (Sub-No. 72), filed February 29, 1968. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: Duane W. Acklie, 1201 J Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles distributed by meat packinghouses*, as described in section C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Nebraska on and west of U.S. Highway 77 (except Scottsbluff), to points in South Dakota, North Dakota, Kansas, and Oklahoma, (2) *dairy products*, as described in section B of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, (3) *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., to points in Maine, New Hampshire, Vermont, Virginia, West Virginia, Montana; and Maryville and St. Joseph, Mo., and (4) *meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Nebraska on and east of U.S. Highway 81 and on and north of U.S. Highway 77 (except Dakota City and West Point, Nebr.), to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125194 (Sub-No. 9), filed March 4, 1968. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, Mich. 49120. Applicant's represen-

tative: Maurice A. Nelson, 311 East Main Street, Niles, Mich. 49120. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and diet dairy products*, from the plantsite of Hawthorn Melody Dairy Farms, Inc., at or near South Bend, Ind., to points in Berrien, Cass, Van Buren, Kalamazoo, Kent, St. Joseph, Branch, Allegan, and Calhoun Counties, Mich., and *returned products, including outdated products*, on return, under contract with Hawthorn Melody Dairy Farms, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 126899 (Sub-No. 28), filed March 8, 1968. 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 Detroit, Mich., to points in Christian, Daviess, and McCracken Counties, Ky., and Montgomery County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127099 (Sub-No. 5), filed February 29, 1968. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, Ohio 43701. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cardboard*, (1) from the plantsite of The Greif Bros. Cooperage Corp., Zanesville, Ohio; to Indiana; Kentucky; that portion of Michigan lying on and south of Michigan Highway 46; that portion of Pennsylvania lying on and west of U.S. Highway 219; and West Virginia; and (2) from Dunkirk and Richmond, Ind.; to Zanesville and Monroe Counties, Mich.; Washington, Pa.; Paden City, Parkersburg, Wellsburg, and Weston, W. Va.; to Zanesville and Coshocton, Ohio, under contract with The Greif Bros. Cooperage Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127215 (Sub-No. 39), filed March 8, 1968. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62861. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Seneca, Ill., to points in Illinois, Missouri, Iowa, Wisconsin, Indiana, Michigan, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127401 (Sub-No. 2), filed March 4, 1968. Applicant: F P & M TRANSPORTATION, INC., 1439 Route 5, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Brick*, cubed or on pallets, and *flues*, on pallets, to be loaded and unloaded by mechanical loading and unloading devices, from the plantsite of Kelsey-Ferguson Brick Co. at South Windsor, Conn., to points in Massachusetts, Rhode Island, and New York, under contract with Kelsey-Ferguson Brick Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 127551 (Sub-No. 5), filed March 4, 1968. Applicant: GEORGE F. DAVIS, JR., doing business as GEORGE DAVIS TRUCKING COMPANY, 429 East Waterloo Street, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in tank vehicles), from Sioux Falls, S. Dak., to points in Boyd, Brown, Cherry, Dawes, Holt, Keya Paha, Rock, Sheridan, and Sioux Counties, Nebr., under contract with John Morrell & Co., Sioux Falls, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Rapid City, S. Dak.

No. MC 127605 (Sub-No. 3), filed March 8, 1968. Applicant: ELMER E. LAIRD, doing business as ELMER E. LAIRD & SON, 3135 West North Temple, Post Office Box 1343, Salt Lake City, Utah 84100. Applicant's representative: William S. Richards, 1610 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, fire alarms, vacuum cleaners, sewing machines, sewing machine cases and tables, electric blenders, photo albums, floor sanding, waxing and cleaning machines, cameras, projectors, lawn mowers, encyclopedias, cookware, dish-ware, melmac products, can openers, coffee makers, luggage, watches, power tools, radios, toothbrushes, grass catchers, picnic jugs, cutlery, and advertising material*, (1) from Los Angeles, Calif., and points in the Los Angeles Harbor commercial zone, to Portland, Oreg., and Seattle, Everett, and Spokane, Wash., and (2) from Portland, Oreg., and Seattle, Everett, and Spokane, Wash., to Los Angeles, Calif., and points in the Los Angeles Harbor commercial zone, under contract with National Housewares, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127684 (Sub-No. 3), filed March 5, 1968. Applicant: SAMARDICK OF OMAHA, INC., 410 South 18th Street, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, from Omaha, Nebr., to Glenwood, Red Oak,

Villisca, Corning, Creston, Lenox, Bedford, Clarinda, Shenandoah, and Far-ragut, Iowa, under contract with the Federal Reserve Bank of Chicago, Omaha, and their member banks. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 127804 (Sub-No. 1), filed March 11, 1968. Applicant: WILLIAM R. WEINRICH, doing business as WEINRICH TRUCK LINES, Hinton, Iowa 51024. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer, and feed urea*, from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that this application duplicates the authority presently held in MC 127804, and that it will request revocation of that certificate if subject application is granted. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 128217 (Sub-No. 2) (Clarification), filed February 14, 1968, published FEDERAL REGISTER issue of February 29, 1968, and republished as clarified, this issue. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside, Jamestown, N. Dak. 58401. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Posts and poles*, from Kalispell, Mont., and the plantsites and storage facilities of Bouma Post Yards and Black Foot Treating at or near Lincoln, Mont., to points in North Dakota, under contract with Le Fevre Sales, Inc. NOTE: Applicant holds common carrier authority under MC 120978 (Sub-No. 1), therefore dual operations may be involved. The purpose of this republication is to clarify the location of the plantsites and origin point above. If a hearing is deemed necessary, applicant requests it be held at Fargo or Bismarck, N. Dak.

No. MC 128608 (Sub-No. 4), filed March 7, 1968. Applicant: M.D.I. TRUCKING CORP., 228 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formed metal building products; metals; and equipment, materials, and supplies used in the manufacture, processing, or distribution of said commodities*, between the plantsite of Plasteel Products Corp., subsidiary of Rosewall Industries, located in Washington, Pa., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Ohio, Maryland, Delaware, Michigan, West Virginia,

Indiana, Illinois, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Mississippi, Wisconsin, and New Jersey, under continuing contract with Plasteel Products Corp., subsidiary of Rosewall Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128707 (Sub-No. 2), filed March 6, 1968. Applicant: LLOYD W. PORSEBORG, doing business as PORSEBORG TRUCK LINE, 1405 Sixth Avenue NW., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, between Vancouver, Wash., and Lewistown, Mont., under contract with General Brewing Corp. NOTE: Applicant holds common carrier authority under MC 126432, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 128778 (Sub-No. 1), filed March 8, 1968. Applicant: BETTER BRANDS INCORPORATED OF DOTHAN, Post Office Box 757, 300 South Alice, Dothan, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soft drinks*, in cans, from the plantsite of Pepsi Cola Bottling Co. of Dothan, Inc., at or near Dothan, Ala., to points in Alabama, and Georgia on or south of U.S. Highway 78 and points in Florida on and north of U.S. Highway 92 and U.S. Highway 192 from Tampa to Melbourne, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dothan or Montgomery, Ala.

No. MC 128916 (Sub-No. 2), filed March 8, 1968. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm tractors; farm tractor parts; agricultural implements other than hand, and Agricultural implements parts other than hand*, from Coldwater, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Pennsylvania, Tennessee, Wisconsin, and Ohio, (2) *materials, equipment, and supplies including tools, utensils, containers, farm tractor parts, other than hand; machinery or parts used in the manufacture, sale, or distribution of commodities shown in (1) above*, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Pennsylvania, Tennessee, Wisconsin, and Ohio, to Coldwater, Ohio, (3) *machine parts and materials used or useful in the manufacture or repair of construction equipment*, between Lima, Ohio, on the one hand, and, on the other, points in Indiana, Ohio, Illinois, Kentucky, Pennsylvania, West Virginia,

New York, Wisconsin, Missouri, and Michigan, (4) bicycles, lawnmowers, and parts thereof, from Celina and Dayton, Ohio, to points in Ohio, Michigan, Kentucky, Pennsylvania, Indiana, and Illinois, (5) parts and materials used or useful in the manufacture of bicycles and lawnmowers, between Celina and Dayton, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, Kentucky, Pennsylvania, Indiana, and Illinois.

(6) Parts and materials used in the manufacture or repair of air presses, hydraulic presses, and riveting equipment, between St. Marys, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Kentucky, Pennsylvania, Wisconsin, and Missouri, (7) conveyor equipment and parts and materials used in the manufacture or repair thereof; feed systems for poultry houses and component parts thereof and materials and supplies used in the manufacture or repair thereof, between Celina, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Kentucky, Wisconsin, Illinois, Michigan, Pennsylvania, and Missouri, restricted to the transportation of shipments having a prior or subsequent movement by aircraft, (8) parts or materials used or useful in the manufacture or repair or maintenance of construction equipment, between Celina, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, Kentucky, Indiana, Illinois, and Pennsylvania, and (9) parts and materials used or useful in the manufacture or repair of presses, between Minster, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, Kentucky, Indiana, Illinois, Pennsylvania, New York, Wisconsin, and Missouri. Restriction: (a) To apply only when the total weight tendered for shipment to one consignee is not more than 8,000 pounds, and (b) To movements in express service. NOTE: Applicant holds contract carrier authority under MC 128606 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 129366 (Sub-No. 1), filed February 27, 1968. Applicant: MINNEAPOLIS INDUSTRIAL RAILWAY COMPANY, a corporation, 400 West Madison, Chicago, Ill. 60606. Applicant's representative: Stuart F. Gassner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, between Watertown, Winsted, Silver Lake, Hutchinson, Cedar Mills, Corvuso, Cosmos, Thorpe, Lake Lillian, Blomkest, Roseland, Prinsburg, Clara City, Gluek (Westota), Clarkfield, Wood Lake, Echo, Belview, Redwood Falls, Morton, Franklin, Fairfax, Gibbon, Winthrop, Gaylord, Norwood, Chaska, Shakopee, Savage, Minneapolis, and St. Paul, Minn. NOTE: Applicant states the authority sought herein is restricted to shipments originating or terminating at States of the Minneapolis Industrial Railway Co., moving on rails bills of lading and hav-

ing a prior or subsequent out-of-State movement. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 129547, filed March 4, 1968. Applicant: REGIONAL DISTRIBUTORS INC., 1301 South Clark Street, Chicago, Ill. 60605. Applicant's representatives: Ray G. Brown, 8 East Long Street, Columbus, Ohio 43215, and William V. Blake, 123 Glencoe Road, Columbus, Ohio 43214. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are sold, used, and dealt in by variety or department stores, from warehouse located in Chicago, Ill., to stores owned and/or operated and/or affiliated with the S. S. Kresge Co. at points in Cook and Du Page Counties, Ill., in Kane and Kendall Counties, Ill., on and east of Illinois Highway 47; in Grundy County, Ill., on and east of Illinois Highway 47 and on and north of U.S. Highway 6; in Will County, Ill., on and north and east of U.S. Highway 6 to its junction with U.S. Highway 52, thence over U.S. Highway 52 to the south borderline of Will County; in Lake County, Ind., on and north of U.S. Highway 30, under contract with the S. S. Kresge Co., its subsidiaries and affiliates only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129578 (Amendment), filed December 7, 1967, published FEDERAL REGISTER issue of December 28, 1967, amended March 7, 1968, and republished as amended this issue. Applicant: ORLANDO CARTAGE, INC., 1700 Glendale Road, Orlando, Fla. 32808. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. 32302. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to traffic moving in freight forwarder service from Orlando, Fla., to points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla. NOTE: Common control may be involved. The purpose of this republication is to change the restriction. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 129585 (Sub-No. 2), filed February 14, 1968. Applicant: JIMMY VESSELL, Route No. 2, Muldrow, Okla. 74948. Applicant's representative: W. S. Agent, 113 North Oak Street, Sallisaw, Okla. 74955. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animals and poultry feeds in sack and in bulk (except liquid), and sanitation and health commodities as used in the raising of animals and poultry, between Fort Smith, Ark., and points in Sequoyah, Le Flore, Adair, Haskell, Muskogee, Cherokee, and Latimer Counties, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Little Rock, Ark.

No. MC 129690 (Sub-No. 1) (Correction), filed February 8, 1968, published in FEDERAL REGISTER issue of February 21, 1968, corrected March 6, 1968, and republished as corrected this issue. Applicant: DESERT OIL COMPANY, doing business as DESERT MUD TRUCKING CO., 845 Elk Street, Rock Springs, Wyo. 82901. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. The purpose of this republication is to show carriers name as "Desert Oil Company, doing business as Desert Mud Trucking Co." in lieu of Desert Oil Company, doing business as Desert "Mid" Trucking Co. as previously published.

No. MC 129730, filed February 26, 1968. Applicant: DEPENDABLE CONTAINER SERVICE, INC., 2427 Spruce Street, Seaford, N.Y. 11783. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, in containers, between piers in New York, N.Y., harbor zone, as defined by the Commission, on the one hand, and, on the other, Boston, Mass., Baltimore, Md., Philadelphia, Pa., and points in New Jersey, New York, and Connecticut, under contract with Moore-McCormack Lines, restricted to shipments having a prior or subsequent movement via water carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129739, filed February 29, 1968. Applicant: D. MAZZA & SON, INC., Main Street, Dividing Creek, N.J. Applicant's representative: Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Clams and clam products, namely clam juice, minced clams, whole clams, clam by-products, in cans, from points in Commercial and Maurice River Townships in Cumberland County, and Cape May, Atlantic, and Ocean Counties, N.J. to Buffalo, Syracuse, Rome, Utica, Schenectady, Albany, Binghamton, Watertown, Rochester, Elmira, Mount Cisco, Watertown, New Rochelle, Ithaca, Cortland, Liverpool, Endicott, Oswego, Auburn, N.Y.; Harrisburg, Pittsburgh, Pa.; Bridgeport, New Haven, Hartford, Conn.; Springfield, Pittsfield, Mass.; Cleveland, Ohio; Atlanta, Ga.; and Miami, Hialeah, Fort Lauderdale, Jacksonville, Tampa, Lakeland, Ocala, and Orlando, Fla., (2) chemicals, dry on liquid in drums, from Solvay, N.Y., to Vineland, N.J., (3) packinghouse machinery, not requiring special equipment, from Gasport and Lockport, N.Y., to Hammonton, N.J., (4) fertilizer in bag or bulk from Baltimore, Md. and Philadelphia, Pa. to Cedarville, Landisville, and Shiloh, N.J., (5) lime and limestone, in bags or in bulk from Conshohocken, Pa., to Cedarville, Landisville, and Shiloh, N.J., (6) canned goods, namely canned vegetables, from points in Maurice River Township, Cumberland County, N.J., to

Buffalo, Syracuse, Rome, Utica, Schenectady, Albany, Binghamton, Watertown, Rochester, Elmira, Mount Cisco, Waterford, New Rochelle, Ithaca, Cortland, Liverpool, Endicott, Oswego, Auburn, N.Y.; Harrisburg, Pittsburgh, Pa.; Bridgeport, New Haven, Hartford, Conn.; Springfield, Pittsfield, Mass.; Cleveland, Ohio; Atlanta, Ga.; Miami, Hialeah, Fort Lauderdale, Jacksonville, Tampa, Lakeland, Ocala, Orlando, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Trenton, N.J.

No. MC 129741, filed March 4, 1968. Applicant: GEORGE C. POWELL, doing business as POWELL'S GARAGE, Route 1, Box 65, Rustberg, Va. 24588. Applicant's representative: Edward J. Morrison, 3608 Campbell Avenue, Post Office Box 1132, Lynchburg, Va. 24505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and stranded or disabled trucks, tractors and trailers* (other than those designed to be drawn by passenger vehicles), and *replacement vehicles* for the commodities specified above, all by means of wrecker equipment, between points in Virginia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, New Hampshire, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 129744, filed March 6, 1968. Applicant: KENNETH ENSMINGER, doing business as ENSMINGER MOTOR LINES, 300 Franklin, Frankfort, Ill. 60423. 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: *Plastic products and polystyrene foam plastic trays*, from Frankfort, Ill., to points in Wisconsin, Michigan, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129748, filed March 6, 1968. Applicant: PONY EXPRESS, a corporation, 2059 Belgrave Avenue, Huntington Park, Calif. 90255. Applicant's representative: DeWitt M. Manning, Suite 302, 6435 Wilshire Boulevard, Los Angeles, Calif. 90048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, components, and accessories*, between points in Los Angeles, Ventura, Santa Barbara, Orange, San Diego, Riverside, and San Bernardino Counties, Calif., under contract with General Motors Corp., restricted to shipments having prior or subsequent movement by air, rail or motor vehicles in interstate or foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129749, filed March 6, 1968. Applicant: PET-CHEM TANK LINES, INC., 11 South Third Street, Hammon-ton, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and sand and foundry products*, from points in Winslow Township, Camden County, N.J., and points in Bunea Vista Township, Atlantic County, N.J., to points in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, Virginia, and the District of Columbia, under contract with Brimfield Co. and Holly City Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129751, filed March 7, 1968. Applicant: MICHAEL K. COALE, Post Office Box 98, Darlington, Md. 21034. Applicant's representative: Norman T. Petow, 43 North Duke Street, York, Pa. 17401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Harford County, Md., to points in New Castle, Kent, and Sussex Counties, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Wilmington, Del.

No. MC 129752, filed March 6, 1968. Applicant: ROAD BUILDERS TRUCKING COMPANY, INC., 718 Murfreesboro Road, Nashville, Tenn. 37202. Applicant's representative: Robert I. Boles, Wall Avenue, Algood, Tenn. 38502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt* in bulk, in tank vehicles, from Algood, Tenn., to points in Kentucky as contracts and sales from time to time in the future may require delivery of above commodity during the months beginning in March of each year through October of each year with little or no movement during November, December, January, and February under contract with Mid-State Materials Co., Inc., Cookeville, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

MOTOR CARRIERS OF PASSENGERS

No. MC 121518 (Sub-No. 1), filed February 20, 1968. Applicant: TUALATA VALLEY BUSES, INC., 10706 Southwest Capitol Highway, Portland, Ore. 97219. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and of express, mail, and newspapers*, in the same vehicle with passengers, (1) between Portland and Forest Grove, Ore., over Oregon Highway 8, serving all intermediate points, and (2) between Portland and McMinnville, Ore., from Portland over U.S. Highway 99W to junction Oregon Highway 18, thence over Oregon Highway 18 to McMinnville, Ore., and return over the same route, serving all intermediate

points. NOTE: Applicant states that the purpose of the instant application is to seek to convert its presently held certificate of registration in MC 121518, to that of a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 123916 (Sub-No. 12), filed March 7, 1968. Applicant: GROVE CITY BUS LINES, INC., Rural Delivery No. 4, Grove City, Pa. 16127. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. 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 operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Armstrong, Beaver, Butler, Cambria, Clarion, Crawford, Erie, Forest, Indiana, Jefferson, Lawrence, Mercer, and Venango Counties, Pa., and Carroll, Columbia, Cuyahoga, Jefferson, Mahoning, Portage, Stark, Summit, Trumbull, and Tuscarawas Counties, Ohio, and extending to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., and Cleveland, Ohio.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 113908 (Sub-No. 196), filed March 8, 1968. Applicant: ERICKSON TRANSPORT CORPORATION, Box 3180, Glenstone Station, 706 West Tampa Street, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Cicero, Ill., to Reedley, Calif.

No. MC 129745 (Sub-No. 1), filed March 6, 1968. Applicant: B & R TRUCKING COMPANY, INC., Box 128, Altenburg, Mo. 63732. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, loose or in bulk, from Altenburg, Mo., to Alton, Ill., Calvert City, Ky., and Wickliffe, Ky.; and, (2) *waste wood*, on pallets on open trucks, from Pinckneyville, Ill., to Altenburg, Mo., under contract with National Distillers Products Co., Division of National Distillers & Chemical Corp., 99 Park Avenue, New York, N.Y.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3349; Filed, Mar. 20, 1968; 8:45 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769)

NOTICES

"Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 9545, 28 F.R. 4117, 10468, 29 F.R. 5579, 14977, 30 F.R. 8982, 12309, 31 F.R. 4824, 13369, 32 F.R. 4295, 13432) during the 6 months' period ended March 14, 1968.

Unchanged.

Dated: March 11, 1968.

JOHN V. LAWRENCE.

[F.R. Doc. 68-3437; Filed, Mar. 20, 1968;
8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the

Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 9469, 28 F.R. 4269, 10468, 29 F.R. 5579, 12992, 30 F.R. 5888, 12310, 31 F.R. 4857, 13268, 32 F.R. 4295, 13361) during the 6 months' period ended March 14, 1968.

No change. -

Dated: March 14, 1968.

A. W. WUERKER.

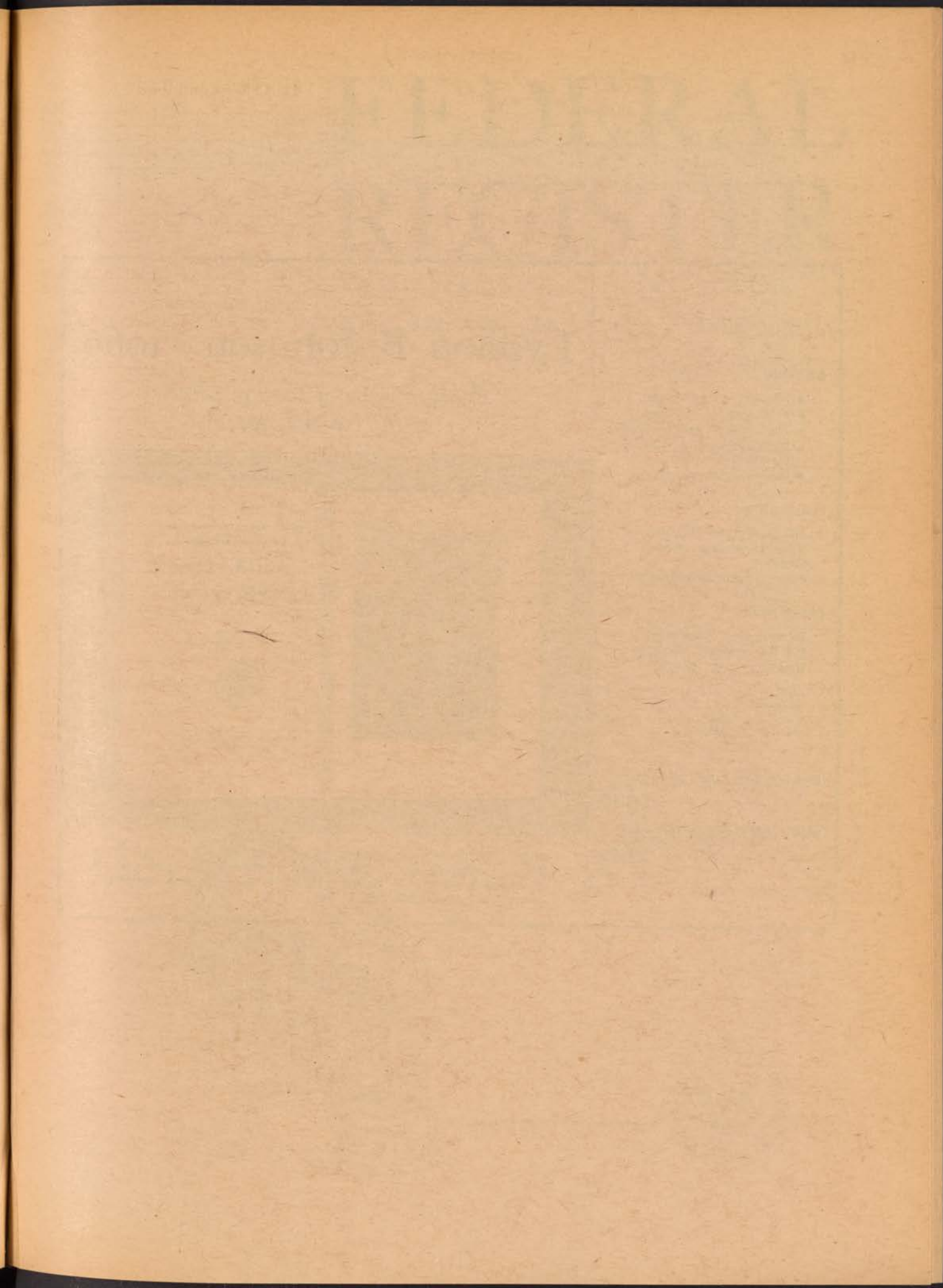
[F.R. Doc. 68-3438; Filed, Mar. 20, 1968;
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
PROCLAMATIONS:					
3831	3619	PROPOSED RULES—Continued			
3832	4091	950	4188	75	4368
3833	4167	953	4517	91	4096
3834	4363	966	4188	93	4096
3835	4397	989	3641	95	4729
3836	4785	991	4417	97	3622, 4311, 4563
EXECUTIVE ORDERS:					
5903 (revoked by PLO 4371)	3636	1001	4419	121	4096, 4144
6697 (revoked by PLO 4371)	3636	1002	4419	221	4456
6868 (modified by EO 11401)	4459	1003	4419	223	3631
7784-A (see EO 11401)	4459	1004	4419	241	4796
8033 (see EO 11401)	4459	1005	4581	389	3632
8647 (revoked in part by PLO 4374)	4333	1015	4419	399	4459
8652 (revoked in part by PLO 4376)	4333	1016	4419	PROPOSED RULES:	
9344 (see EO 11401)	4459	1033	4581	25	3641
9916 (see EO 11401)	4459	1034	4581	39	3642, 4831
10128 (see EO 11401)	4459	1035	4581	43	4420
10830 (amended by EO 11398)	4169	1040	4261, 4517	65	4523
11074 (revoked by EO 11398)	4169	1041	4680	71	3642,
11248 (amended by EO 11400)	4507	1043	4268	4201, 4202, 4270, 4271, 4375-4377,	
11398	4169	1046	4581	4421, 4525-4527, 4630, 4831-4833	
11399	4245	1049	4581	73	4833
11400	4507	1062	4808	91	3643, 4108, 4420, 4523
11401	4459	1065	4745	105	4523
5 CFR					
213	4399, 4451, 4615	1066	4745	121	4144
307	4615	1067	4808	207	4340
315	4615	1073	4474, 4585	208	3645, 4340
550	4399	1102	4808	212	4340
1700	4615	1106	4586	214	4340
7 CFR					
52	4104	1125	4191	221	4340
208	4616	1126	4586	288	3645
401	4399	1132	4586	295	4340
601	4309	1201	4629	399	3645
722	4451	8 CFR			
723	4787	211	4561	13	
724	4787	235	4562	4135, 4136, 4249, 4250, 4405, 4618,	
775	4788	238	4562	4655.	
877	4788	343a	4562	15	4137, 4250, 4511
905	4514, 4561, 4729	9 CFR			
906	4247	97	4248	500	
907	4247, 4514, 4792	PROPOSED RULES:			
908	4247, 4514, 4793	51	4260	503	
909	4617	201	4682	4723	
910	4105, 4365, 4399, 4617, 4655	PROPOSED RULES:			
913	4105, 4365	150	4109, 4377, 4631	244	
944	4561	10 CFR			
948	4452	207	4248, 4249, 4452	17 CFR	
950	4515	211	4729	200	
980	4106, 4365	213	4729	201	
1004	4793	220	4249, 4453	230	
1125	4515	221	4249, 4455	260	
1434	4794	PROPOSED RULES:			
1464	3633	12 CFR		270	
1474	4452	207	4248, 4249, 4452	4369	
PROPOSED RULES:					
52	4335	211	4729	4369	
68	4375	213	4729	4369	
201	4807	220	4249, 4453	4369	
907	3639, 4417, 4629	221	4249, 4455	4369	
908	3641	13 CFR			
929	4188	101	4400	18 CFR	
932	4107	121	4562	159	
14 CFR					
37	4729	PROPOSED RULES:			
39	3621, 4249, 4366, 4794, 4795	607			
61	4402, 4404	19 CFR			
71	4093-	1			
	4095, 4171, 4249, 4366-4368, 4404,	8			
	4405, 4509-4511, 4562, 4795, 4796	10			
73	4095, 4096, 4172	16			
		18			
		32			
		54			
		PROPOSED RULES:			
		4			
		25			

20 CFR	Page	32 CFR	Page	41 CFR—Continued	Page
614	3635	156	4462	11-1	3636
PROPOSED RULES:		293	4618	39-1	4185
405	4517	803	4512	39-10	4676
621	4629	809a	4462	101-47	4408
21 CFR		813	4734	109-40	4140
2	4462	1001	4173	42 CFR	
3	4731	1002	4176	73	4620
14	4656	1003	4176	75	4804
27	4574	1004	4177	43 CFR	
31	4098	1005	4178	3100	4465
120	4138, 4172, 4326, 4407, 4658	1006	4178	3120	4465
121	4098, 4138, 4173, 4327, 4408, 4575, 4576, 4618, 4659, 4732.	1007	4179	PUBLIC LAND ORDERS:	
130	4732	1009	4179	2546 (revoked in part by PLO 4377)	4332
141	4099	1015	4185	4317 (corrected by PLO 4376)	4333
141a	4099	1018	4185	4371	3636
141d	4101	1054	4185	4372	4333
145	4099	1060	4185	4373	4332
146d	4101	1606	4677	4374	4333
148i	4732	32A CFR		4375	4333
148j	4733	OEP (Ch. D):		4376	4333
166	3635, 4734	DMO 8540.1		4377	4332
281	4462	PROPOSED RULES:		4378	4400
PROPOSED RULES:		OIA (Ch. X):		4379	4513
1	4420	OI Reg. 1		46 CFR	
3	4144	33 CFR		526	4626
28	4587	110	4737, 4738, 4799	PROPOSED RULES:	
22 CFR		117	4373, 4576, 4674	401	4746
301	4776	204	4463, 4464	514	4208
24 CFR		207	4464	47 CFR	
221	4620	208	4464	0	3637
25 CFR		35 CFR		1	4738
PROPOSED RULES:		67	4799	2	4258
221	4807	36 CFR		21	4577
26 CFR		200	4139	25	3638
PROPOSED RULES:		231	4802	73	4102, 4186, 4187, 4408, 4739
1	4414, 4742	PROPOSED RULES:		74	4258, 4408
29 CFR		7	4679	89	4103
102	4139	38 CFR		93	4103
1600	4329	1	4140	97	4466
30 CFR		17	4140	PROPOSED RULES:	
18	4660	39 CFR		73	4110,
34	4660	Ch. I	3635, 4141, 4185, 4310, 4465	4202, 4204-4206, 4378, 4474,	4694.
PROPOSED RULES:		124	4512	81	4747
11	4468	126	4251	83	4747
31 CFR		151	4251	49 CFR	
54	4677	155	4252	1000	4370
128	4576	221	3635	1033	4805
205	4734	246	4465	1041	4467
316	4256	PROPOSED RULES:		1048	4626
343	4798	151	3639	PROPOSED RULES:	
401	4257	155	4199	173	4340
402	4257	41 CFR		178	4340
403	4257	6-3	4674	1048	4208
405	4257	7-1	4252	50 CFR	
406	4257	7-6	4252	28	4104
		9-7	4253	32	4104, 4805
		9-8	4253	33	4104, 4187, 4259, 4513, 4805, 4806
		9-16	4253		



Lyndon B. Johnson - 1966

Public Papers of the Presidents of the United States

CONTENTS

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

PUBLISHED BY

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

ORDER FROM

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

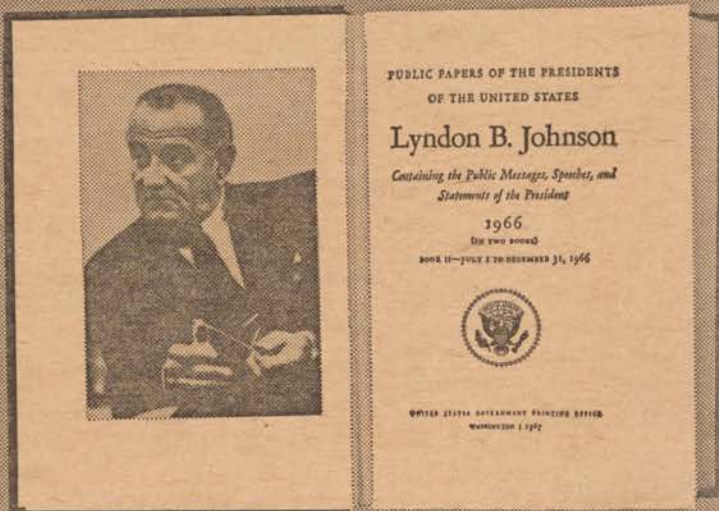


Book I (January 1-June 30, 1966)

\$6.50

Book II (July 1-December 31, 1966)

\$7.00



PRIOR VOLUMES—Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, and the first two years of President Johnson are available at comparable prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.