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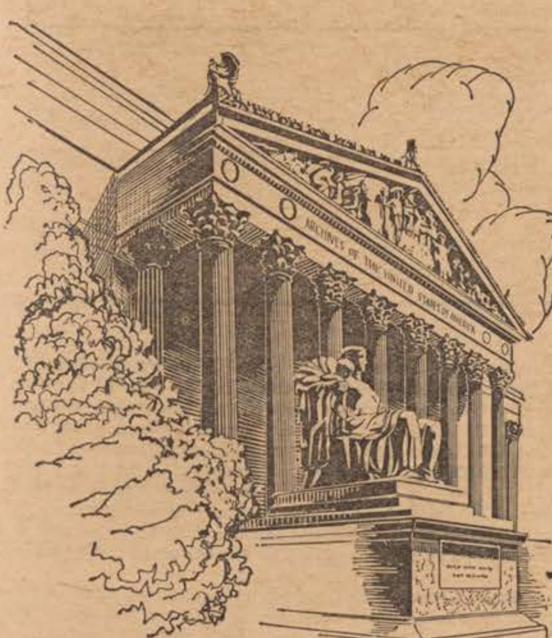

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Rules and Regulations

Title 7—AGRICULTURE

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

[Milk Order 30]

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

Order Regulating the Handling of Milk

AUTHORITY: The provisions of this Part 1030 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1030.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Chicago Regional marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own farm production), (ii) other source milk allocated to Class I pursuant to § 1030.46(a) (3) and (7) and the corresponding steps of § 1030.46 (b), and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants. A cooperative association handler pursuant to § 1030.13(e) shall make the payments set forth herein on the producer milk described in § 1030.16(c).

(b) *Additional findings.* It is necessary in the public interest to make this order fully effective not later than July 1, 1968. Any delay beyond this date would tend to disrupt the orderly marketing of milk in the marketing area. The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued December 26, 1967, and the decision of the Assistant Secretary containing all the provisions of this order was issued May 15, 1968. The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires that he make this order fully effective at the earliest possible date. The conditions in this marketing area are such that it is urgent that this order become effective no later than July 1, 1968. In view of the foregoing, it is hereby found and determined that good cause exists for making this order fully effective July 1, 1968, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

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

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing

the interests of producers as defined in the order; and

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the orders regulating the handling of milk in the Madison, Milwaukee, Northeastern Wisconsin, Northwestern Indiana, and Rock River Valley marketing areas (Parts 1051, 1039, 1045, 1031, and 1038, respectively) shall be amended and merged into one order which is to be designated as the "Chicago Regional marketing area." The consolidated order is to be designated Part 1030 in the Code of Federal Regulations and Part Nos. 1031, 1038, 1039, 1045, and 1051 are hereby vacated. Also §§ 1030.82 and 1030.83 of the terminated Chicago order are hereby revoked. The handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1030.1 **Act.**

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

§ 1030.2 **Secretary.**

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

§ 1030.3 **Department.**

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

§ 1030.4 **Person.**

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

§ 1030.5 **Cooperative association.**

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

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

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

§ 1030.6 **Chicago Regional marketing area.**

"Chicago Regional marketing area", hereinafter called the "marketing area" means the territory within the boundaries of the following places including piers, docks, and wharves and territory wholly or partly within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) In the State of Illinois:

(1) The counties of:

Boone.	Kendall.
Carroll.	Lake.
Cook.	Lee.
De Kalb.	McHenry.
Du Page.	Ogle.
Jo Daviess (except the city of East Dubuque).	Stephenson.
Kane.	Will.
	Winnebago.

(2) In Whiteside County:

(i) The townships of:

Caloma.	Jordan.
Hahnaman.	Montmorency.
Hopkins.	Sterling.
Hume.	Tampico.

(b) In the State of Indiana:

(1) The counties of:

Elkhart.	Marshall.
Kosciusko.	Porter.
Lake.	St. Joseph.
La Porte.	Starke.

(c) In the State of Wisconsin:

(1) The counties of:

Brown.	Milwaukee.
Calumet.	Monroe.
Columbia.	Oconto.
Crawford.	Oneida.
Dane.	Outagamie.
Dodge.	Ozaukee.
Fond du Lac.	Portage.
Forest.	Racine.
Grant.	Richland.
Green.	Rock.
Iowa.	Sauk.
Jefferson.	Shawano.
Juneau.	Sheboygan.
Kenosha.	Vernon.
Kewaunee.	Vilas.
La Crosse.	Walworth.
Lafayette.	Washington.
Langlade.	Waukesha.
Lincoln.	Waupaca.
Manitowoc.	Winnebago.

(2) In Door County the city of Sturgeon Bay;

(3) In Marathon County:

(i) The towns of:

Bergen.	Marathon.
Berlin.	Mosinee.
Bevent.	Norrie.
Easton.	Plover.
Elderon.	Reid.
Franzen.	Rib Mountain.
Guenther.	Ringle.
Harrison.	Stettin.
Hewitt.	Texas.
Knowlton.	Wausau.
Kronenwetter.	Weston.
Maine.	

(ii) The villages of:

Brokaw.	Marathon.
Elderon.	Rothschild.
Hatley.	

(iii) The cities of:

Mosinee.	Wausau.
Schofield.	

(4) In Wood County:

(i) The towns of:

Cranmoor.	Rudolph.
Grand Rapids.	Saratoga.
Port Edwards.	Seneca.

(ii) The villages of:

Biron.	Port Edwards.

(iii) The cities of:

Nekoosa.	Wisconsin Rapids.

§ 1030.7 **Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet cream, and any mixture in fluid form of such products, including filled milk. It also includes sour cream and sour cream products which are labeled Grade A. Eggnog, including custards and puddings, ice cream mix, frozen dessert mix, yogurt, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

§ 1030.8 **Route disposition.**

"Route disposition or disposed of on routes" means a delivery (including disposition from a retail plant store) of any fluid milk product classified as Class I under § 1030.41(a)(1) to a retail or wholesale outlet other than a milk plant. Disposition of a plant through a vendor or through a distribution point shall be considered a route delivery at the location of the wholesale or retail outlet to which delivery is made.

§ 1030.9 **Distributing plant.**

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

§ 1030.10 **Supply plant.**

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

§ 1030.11 **Pool plant.**

"Pool plant" means a plant at which milk is received from dairy farmers, a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment, or a plant at which milk is processed and packaged or manufactured, which plant or facility is described in paragraph (a), (b), or (c) of this section (except an other order plant or the plant of a producer-handler or an exempt distributing plant). If a portion of the plant is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the Grade A portion, such unapproved portion shall not be considered a part of the pool plant. A plant which was a pool plant under the provisions of Part 1031, 1038, 1039, 1045, or 1051 during January 1968 shall be a pool plant under this part from the effective date of this part through July 1968.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (2) and (3) of this paragraph of the receipts specified in subparagraph (1). Two or more distributing plants of a handler shall be considered a unit for the purpose of subparagraph (3) of this paragraph in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) The total Grade A fluid milk products received during the month at such plant, including producer milk diverted under § 1030.16, but excluding receipts of fluid milk products from other pool distributing plants and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.46(a)(4) (i)(*a*) and (ii) and the corresponding step of § 1030.46 (b).

(2) Not less than 10 percent of such receipts is disposed of from such plant in the marketing area in the form of packaged fluid milk products either on routes or moved to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Not less than 45 percent of such receipts is disposed of in the form of packaged fluid milk products either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant, or a facility at which milk received from farms in a tank truck is commingled with other milk for further shipment from which the quantity of fluid milk products moved during the month in accordance with subparagraphs (1), (2), and (3) of this paragraph is not less than the percentages specified in subparagraphs (4) and (5) of this paragraph subject to subparagraphs (6), (7), and (8) of this paragraph, of the volume of Grade A milk received from dairy farmers at such plant or facility, including producer milk diverted under § 1030.16.

(1) To pool plants pursuant to paragraph (a) of this section;

(2) To plants of producer-handlers;

(3) To partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44(d)(3)(i);

(4) Such percentages after July 1968 shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(5) During the period from the effective date of this part through July 1968 the monthly percentage shall be not less than 10, except that a plant which would have qualified on the basis of 10 percent shipments during each of the months August 1967 through December 1967 shall be a pool plant unless nonpool status is assigned in accordance with subdivision (i) or (ii) of subparagraph (4) of this paragraph.

(6) The percentages specified in subparagraph (4) of this paragraph applicable during the months August–December shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year; and

(iii) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

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

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producers of such cooperative association is received at pool distributing plants of other handlers during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

§ 1030.12 Nonpool plant.

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

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1030.11 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

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

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(e) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

§ 1030.13 Handler.

"Handler" means:

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

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

(c) Any person in his capacity as a broker negotiating a purchase or sale of fluid milk products from or to a person described in paragraph (a) or (b) of this section;

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

(e) Any cooperative association with respect to milk of its 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;

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

(g) A producer-handler.

§ 1030.14 **Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who distributes as Class I milk on routes in the marketing area only fluid milk products of such person's own production or fluid milk products received from pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1030.15 **Producer.**

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received as producer milk at a pool plant or diverted pursuant to § 1030.16 from a pool plant to a nonpool plant.

§ 1030.16 **Producer milk.**

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

(a) Received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which is assigned pursuant to § 1030.46(a)(4)(ii) and the corresponding step of § 1030.46(b);

(b) Received at a pool plant from a cooperative association handler pursuant to § 1030.13(e);

(c) Received by a cooperative association as a handler pursuant to § 1030.13(e) to the extent of the shrinkage of skim milk and butterfat received from producers' farms which was not received at a pool plant under paragraph (b) of this section. In applying §§ 1030.53 and 1030.82 such skim milk and butterfat shall be deemed to be received at the location of the pool plant to which delivery is normally made.

(d) Diverted from a pool plant to a nonpool plant subject to the conditions specified in this paragraph. Milk so diverted shall be considered as received at the pool plant from which diverted in calculating the percentages specified in § 1030.11 and in applying location price differentials pursuant to § 1030.82, except that in any month in which diverted milk of a producer represents more than 6 days' production the location price differential applicable to milk of such producer diverted in excess of the first 6 days shall be based on the zone location of the nonpool plant(s) where such milk is actually received:

(1) Milk of a producer diverted for the account of the operator of the plant from which such milk is diverted in any of the months August through December which does not exceed the quantity of such producer's milk received at the pool plant;

(2) Milk of a producer diverted by a cooperative as a handler pursuant to § 1030.13(d) may not in any of the months August through December exceed the quantity of such producer's milk received at the pool plant from which it was diverted. To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk; and

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order.

§ 1030.17 **Other source milk.**

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

(a) Fluid milk products from any source except (1) fluid milk products from pool plants, (2) producer milk, or (3) fluid milk products in inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

§ 1030.18 **Butter price.**

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

MARKET ADMINISTRATOR

§ 1030.20 **Designation.**

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

§ 1030.21 **Powers.**

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

(a) Administer its terms and provisions;

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

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

(d) Recommend amendments to the Secretary.

§ 1030.22 **Duties.**

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

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

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

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

(d) Pay out of the funds provided by § 1030.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1030.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1030.30 and 1030.31 or payments pursuant to §§ 1030.80, 1030.84, 1030.86, 1030.87, and 1030.88;

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

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

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

(j) Publicly announce on or before:

(1) The fifth day of each month the Class I milk price pursuant to § 1030.51(a) and the Class I butterfat differential pursuant to § 1030.52(a), both for the

current month, and the Class II milk price pursuant to § 1030.51(b) and the Class II butterfat differential pursuant to § 1030.52(b), both for the preceding month; and

(2) The 14th day after the end of each month the uniform price pursuant to § 1030.71 and the butterfat differential pursuant to § 1030.81;

(k) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1030.46(a) (8) and the corresponding step of § 1030.46(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;

(l) Report to the market administrator of the other order, as soon as possible after the reports of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1030.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report;

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

(n) On or before the 17th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS, AND FACILITIES

§ 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler who operates a pool plant shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows for each of his pool plants, except that if a handler so requests and the request is approved by the market administrator, a single report may be filed:

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

(1) Milk received from producers including milk diverted pursuant to § 1030.16 for such handler's account;

(2) Producer milk received from handlers pursuant to § 1030.13(e);

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable);

(4) Other source milk; and

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

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

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

§ 1030.31 Other reports.

(a) Each producer-handler and each handler who operates an other order plant shall report the receipts and disposition of skim milk and butterfat at such plant at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator.

(b) Each handler pursuant to § 1030.13 (c), (d), and (e) shall report to the market administrator on or before the 10th day after the end of the month in detail and on forms prescribed by the market administrator as follows:

(1) Each handler pursuant to § 1030.13(c) shall report the quantities of skim milk and butterfat in fluid milk products moved for his account from each pool plant and received at each pool plant or partially regulated distributing plant during the month;

(2) Each cooperative association handler pursuant to § 1030.13(d) shall report the quantities of skim milk and butterfat in producer milk diverted for its account from each pool plant and the utilization of such skim milk and butterfat during the month; and

(3) Each cooperative association handler pursuant to § 1030.13(e) shall report the quantities of skim milk and butterfat in its receipts of producer milk pursuant to § 1030.16(c) and producer milk delivered to each pool plant during the month;

(c) Each handler operating a partially regulated distributing plant shall report for each such plant the information required of pool plant operators pursuant to § 1030.30 substituting receipts from dairy farmers for producer milk; and

(d) Each handler receiving milk from producers shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1030.32 Records and facilities.

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

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1030.33 Retention of records.

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

CLASSIFICATION

§ 1030.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required by §§ 1030.30 and 1030.31 to be reported by handlers (excluding transfers from a pool plant to an other order plant(s) that are offset by receipts from the other order plant(s) pursuant to § 1030.44(e)) shall be classified by the market administrator pursuant to the provisions of §§ 1030.41 through 1030.46.

§ 1030.41 Classes of utilization.

Subject to the conditions set forth in §§ 1030.43, 1030.44, and 1030.46 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 as a fluid milk product except as provided in subparagraphs (2), (3), (4), and (5) of paragraph (b) of this section; and

(2) Not accounted for as Class II milk;

(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 if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) In fluid milk products delivered in bulk form to commercial food establishments and used in the manufacture of bakery products, candy or processed foods prepared for consumption off the premises;

(5) Represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of the skim milk and butterfat, respectively, assigned pursuant to § 1030.42(b)(1) but not in excess of:

(i) Two percent of producer milk receipts described in § 1030.16(a); plus

(ii) 1.5 percent of bulk fluid milk products received from pool plants of other handlers (or other pool plants, as applicable); plus

(iii) 1.5 percent of producer milk described in § 1030.16(b), 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, the applicable percentage shall be 2 percent; plus

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

(v) 1.5 percent of bulk fluid milk products received from an unregulated supply plant exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products transferred to other plants;

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1030.42(b)(2);

(9) In shrinkage of skim milk and butterfat, respectively, of producer milk diverted pursuant to § 1030.16(d) but not in excess of one-half percent of diverted milk exclusive of that which is diverted on the basis of farm weights; and

(10) In shrinkage of skim milk and butterfat, respectively, of producer milk described in § 1030.16(c) but not in excess of one-half percent of the quantity received by the cooperative association as a handler pursuant to § 1030.13(e) as determined by farm weights exclusive of the quantity on which shrinkage at a rate of two percent is applicable under subparagraph (7)(iii) of this paragraph.

§ 1030.42 Shrinkage.

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

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant (or at his combined pool plants if a single report is filed pursuant to § 1030.30); and

(b) Prorate the resulting amounts between skim milk and butterfat, respectively, contained in:

(1) The net quantity of producer milk and other fluid milk product receipts specified in § 1030.41(b) (7) and (9); and

(2) Other source milk exclusive of that specified in § 1030.41(b) (7) and (9) or received in the form of packaged fluid milk products.

§ 1030.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise, however as to milk delivered to a pool plant by a cooperative association handler pursuant to § 1030.13(e), said pool plant operator shall have the burden of proving the classification of such skim milk and butterfat defined in § 1030.16(b) and the cooperative association handler shall have the burden of proving the classification of the skim milk and butterfat defined in § 1030.16(c);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1030.13(e) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1030.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1030.44 Transfers.

Skim milk or butterfat transferred in the form of a fluid milk product from a pool plant to another plant or diverted in such form to a nonpool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred to another pool plant except that the skim milk or butterfat so assigned to any class shall be limited to the amount remaining in such class in the transferee plant after computations pursuant to § 1030.46 (a)(8) and the corresponding step of § 1030.46(b);

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

(c) As Class I milk if transferred in packaged form to a nonpool plant that is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) or (4) of this paragraph:

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

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) If such nonpool plant is located in Wisconsin, Minnesota, Iowa, Illinois, Indiana, Michigan, or Ohio, the skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

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

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

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

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

(4) If such nonpool plant is located outside Wisconsin, Minnesota, Iowa, Illinois, Indiana, Michigan, or Ohio, the skim milk and butterfat so transferred shall be classified as Class I to the extent of the Class I disposition from such nonpool plant during the month and any excess over such Class I disposition shall be classified as Class II; 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 diverted or transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

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

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

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

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1030.41.

(f) As Class I milk, if transferred or diverted to an exempt distributing plant.

§ 1030.45 Computation of skim milk and butterfat in each class.

The market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted each month pursuant to §§ 1030.30 and 1030.31 and compute the pounds of skim milk and butterfat in each class for each handler as follows:

(a) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids;

(b) The market administrator shall combine the receipts and utilization in each of the respective classes at all pool plants of a handler including diversions from such pool plants by the handler and shall allocate such combined utilization pursuant to § 1030.46 and shall compute the obligation of such handler pursuant to § 1030.70 based on the combined utilization unless a handler has filed a written request with the market administrator that separate computations be made for each plant, and if no fluid milk products to be assigned pursuant to § 1030.46(a) (7) or (8) and the corresponding step of § 1030.46(b) were received at any pool plant of the handler; and

(c) The market administrator shall allocate pursuant to § 1030.46 and compute the obligation pursuant to § 1030.70 of a cooperative association on producer milk pursuant to § 1030.16 (c) and (d) for which it is the handler pursuant to § 1030.13 (d) and (e) separately from the operations of any pool plant operated by such cooperative association.

§ 1030.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.45, 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 § 1030.41(b) (7) and (9);

(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 an other order plant in excess in each case of similar transfers to the same plant as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

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

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II 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 and from an exempt distributing plant;

(4) 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) 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 pool plants of other handlers (or other pool plants, if applicable), and receipts in bulk from other order plants; and

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

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II 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 § 1030.22(k) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

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

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1030.44(a); and

(10) If the pounds of skim milk remaining in all 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"; and

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

MINIMUM PRICES

§ 1030.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the butter price times 0.12 and rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1969, the basic formula price shall be not less than $4.33.

§ 1030.51 Class prices.

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

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.20.

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

§ 1030.52 Butterfat differentials to handlers.

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

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

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

§ 1030.53 Location adjustments to handlers.

A location adjustment for each handler who operates a pool plant shall be computed by the market administrator as follows:

(a) The market administrator shall determine the location adjustment rate for each plant at which milk is to be priced under this part on the following basis:

(1) Zone I—adjustment rate—none. Zone I shall consist of the territory outside the State of Indiana within 85 miles of the city hall in Chicago plus Milwaukee County, Wis., and Winnebago County, Ill.

(2) Zone 2—adjustment rate—minus 2 cents per hundredweight of milk. Zone 2 shall consist of the territory outside of Zone I and outside the State of Indiana but not to exceed 100 miles from the city hall in Chicago.

(3) For plants located beyond Zone 2 and outside the State of Indiana, the minus adjustment rate shall be an additional 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 100 miles. The territory beyond 100 miles, but not to exceed 115 miles, shall be Zone 3 and each successive 15-mile area shall be an additional zone.

(4) Indiana zone—For plants located in the State of Indiana, the adjustment rate shall be plus 2 cents per hundredweight of milk for each 15 miles or fraction thereof that such plant is distant from the city hall in Chicago.

(b) (1) The mileages applicable pursuant to this section and § 1030.82 shall be determined by the market administrator on the basis of the shortest highway distance between the handler's plant and the city hall in Chicago.

(2) The market administrator shall notify each handler of the zone or mileage determination.

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

(c) A handler who operates a pool distributing plant (or plants) shall receive a location adjustment computed as follows:

(1) Determine the aggregate quantity of Class I milk at such plant (or all pool plants of such handler for which a single report is filed pursuant to § 1030.30 after eliminating duplication for transfer between such plants);

(2) Subtract the quantity of packaged fluid milk products received at the handler's pool plant(s) from the pool plants of other handlers (or other pool plants, if applicable) and from nonpool plants;

(3) Subtract the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to pool plants of other handlers (or other pool plants, if applicable) and to nonpool plants that are classified as Class I;

(4) Subtract the Class I milk packaged by pool supply plants and disposed of on routes or to other plants;

(5) Subtract the quantity of bulk fluid milk products received at the handler's pool plant(s) from other order plants and unregulated supply plants that are assigned to Class I pursuant to § 1030.46;

(6) Assign the remaining quantity pro rata to receipts during the month from each source as specified in subdivisions (i) and (ii) of this subparagraph:

(i) Receipts at the handler's pool distributing plant(s) of producer milk, except that if the quantity prorated to any distributing plant exceeds the Class I disposition from such plant, such quantity shall be reduced to the amount of such Class I disposition and the quantity of milk represented in such reduction shall be prorated to receipts of producer milk at other distributing plants of the handler (limited in each instance to the amount of Class I disposition at each such plant) and receipts of bulk fluid milk products at such distributing plants from other pool plants; and

(ii) Receipts of bulk fluid milk products at such distributing plants from each other pool plant according to the quantity of such receipts from each such source;

(7) If receipts during the month at such distributing plants of producer milk and bulk fluid milk products from other pool plants are less than the quantity to be assigned pursuant to subparagraph (6) of this paragraph, prorate the amount of such excess in the same manner over such receipts in the next prior month in which there were receipts in excess of those assigned in that month pursuant to this subparagraph. For the first month in which this part is effective such excess shall be prorated according to the receipts in such month;

(8) Multiply by the location adjustment rates applicable at the transferor plants, the quantity assigned to receipts of producer milk at such distributing plants pursuant to subparagraph (6) (i) and (7) of this paragraph;

(9) Multiply by the location adjustment rates applicable at the transferor plants, the lesser of:

(i) 110 percent of the quantities assigned to receipts from each other pool plant pursuant to subparagraph (6) (ii) of this paragraph; or

(ii) Receipts specified in subparagraph (6) (ii) of this paragraph;

(10) Multiply by the location adjustment rates applicable at the transferor plants, the quantities assigned pursuant to subparagraph (7) of this paragraph to receipts from other pool plants in prior months;

(11) Multiply the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to nonpool plants and classified as Class I by the location adjustment rates applicable at the shipping plant;

(12) Multiply the quantity of Class I milk packaged by pool supply plants and disposed of on routes or to other plants by the location adjustment rates applicable at the pool supply plants from which disposition is made;

(13) Add together the minus amounts obtained pursuant to subparagraphs (8), (9), (10), (11), and (12) of this paragraph; and

(14) Add together the plus amounts obtained pursuant to subparagraphs (8), (9), (10), (11), and (12) of this paragraph.

(d) A handler (other than one described in paragraph (c) of this section) who operates a pool supply plant located outside the State of Indiana shall receive a location adjustment credit on producer milk at such plant classified as Class I that is not shipped as a bulk fluid milk product to a pool distributing plant.

(e) A handler (other than one described in paragraph (c) of this section) who operates a pool supply plant located in the State of Indiana shall be charged a location adjustment on producer milk at such plant classified as Class I that is not shipped as a bulk fluid milk product to a pool distributing plant.

§ 1030.54 Equivalent prices.

If for any reason a price quotation or other pricing factor 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 quotation or price factor determined by the Secretary to be equivalent to that required.

APPLICATION OF PROVISIONS

§ 1030.60 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1030.31 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) The obligation that would have been computed pursuant to § 1030.70 (a) through (e) at such plant shall be determined as though such plant were a pool

plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1030.70(e) and a credit in the amount specified in § 1030.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1030.31 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 § 1030.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

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

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

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

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1030.70 Computation of the net pool obligation of each handler.

The net pool obligation (or credit) of each handler pursuant to § 1030.13 (a) and (d), and of each cooperative association with respect to producer milk described in § 1030.16(c), shall be a sum of money computed for each month by the market administrator as follows:

(a) Combine the quantities of producer milk received by the handler (at each plant, if applicable) and multiply the quantity of producer milk in each class as computed pursuant to § 1030.46 by the applicable class prices adjusted pursuant to § 1030.52;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1030.46(a)(10) and the corresponding step of § 1030.46 (b) by the applicable class prices adjusted pursuant to § 1030.52;

(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 § 1030.46 (a)(5) and the corresponding step of § 1030.46(b);

(d) Add an amount equal to the difference between the value at the Class I milk price applicable at the pool plant where received 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 § 1030.46(a)(3) and the corresponding step of § 1030.46(b);

(e) Add an amount equal to the value at the Class I milk price (after making the location adjustment rate for the nearest nonpool plant from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1030.46(a)(7) and the corresponding step of § 1030.46(b);

(f) Subtract an amount equal to the minus location adjustment computed pursuant to § 1030.53 (c)(13) or (d); and

(g) Add an amount equal to the plus location adjustment computed pursuant to § 1030.53 (c)(14) or (e).

§ 1030.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content at plants in Zone I, as follows:

(a) Combine into one total the values computed pursuant to § 1030.70 for all handlers, except those of handlers who failed to make payments required pursuant to § 1030.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1030.82(a);

(d) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1030.82(b);

(e) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(f) 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 § 1030.70(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

PAYMENTS

§ 1030.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) and (c) of this section, each handler shall make payment for producer milk received during the month as follows:

(1) On or before the 18th day of the following month to each producer, not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 1030.87;

(ii) Plus or minus adjustments for errors in previous payments made to such producer; and

(iii) Less proper deductions authorized in writing by such producer.

(2) If by such date for final payment, such handler has not received full payment from the market administrator pursuant to § 1030.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1030.5, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association; and

(c) On or before the 18th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler during the month pursuant to § 1030.13(e) shall pay such cooperative association for such milk at the uniform price, adjusted by applicable butterfat and location differentials.

§ 1030.81 Butterfat differential to producers.

The uniform price pursuant to § 1030.71 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1030.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1030.82 Location differentials to producers and on nonpool milk.

The uniform price pursuant to § 1030.71 shall be adjusted as follows:

(a) For producer milk received at a pool plant located outside the State of Indiana:

(1) If outside Zone 1 as described in § 1030.53(a) (1) and within 100 miles of the city hall in Chicago deduct 2 cents per hundredweight; and

(2) If 100 miles or more from the city hall in Chicago, deduct 4 cents per hundredweight for the first 115 miles or less and 2 cents per hundredweight for each additional 15 miles or fraction thereof that such plant is more than 115 miles from the Chicago city hall.

(b) For producer milk received at a pool plant located in the State of Indiana, add 2 cents per hundredweight for each 15 miles or fraction thereof that such plant is distant from the city hall in Chicago.

(c) For the purpose of computations pursuant to § 1030.84(b) (2) the uniform price shall be adjusted at the rate pursuant to § 1030.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1030.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund and out of which he shall make all payments from such fund pursuant to §§ 1030.60, 1030.84, 1030.85, and 1030.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1030.84 Payments to the producer-settlement fund.

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

(a) The net pool obligation computed pursuant to § 1030.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.70 (e).

§ 1030.85 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.84(b) exceeds the amount computed pursuant to § 1030.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1030.86 Adjustment of accounts.

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

§ 1030.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of member producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1030.88 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 18th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own farm production), (b) other source milk allocated to Class I pursuant to § 1030.46(a) (3) and (7) and the corresponding steps of § 1030.46 (b) and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants. A cooperative association handler pursuant to § 1030.13(e) shall make the payments set forth herein on the producer milk described in § 1030.16(c).

§ 1030.89 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

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

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

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligations, 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.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1030.90 **Effective time.**

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

§ 1030.91 **Suspension or termination.**

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

§ 1030.92 **Continuing power and duty of the market administrator.**

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

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

§ 1030.93 **Liquidation after suspension or termination.**

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

MISCELLANEOUS PROVISIONS

§ 1030.100 **Separability of provisions.**

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

§ 1030.101 **Agents.**

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

Sections 1030.0 through 1030.101 shall be effective on and after July 1, 1968.

Signed at Washington, D.C., on June 13, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-7207; Filed, June 18, 1968; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Multiple Maturity Time Deposits

§ 217.144 **5 percent multiple maturity time deposits.**

(a) From time to time the Board of Governors receives inquiries relating to the payment of interest of 5 percent per annum on "multiple maturity time deposits" as defined in § 217.1(g) of Regulation Q. In view of the variety of deposit contracts that have come into use in recent years, the Board considers it advisable to clarify, for banks and their depositors, certain limitations on the authority of a member bank to pay 5 percent interest on funds deposited with it. The underlying principle is that a member bank may pay interest on a multiple maturity time deposit at the rate of 5 percent only if the deposit is payable at intervals of at least 90 days.

(b) *90-day certificate of deposit.* One major category of multiple maturity time deposits is certificates of deposit that (1) mature on a series of specified dates or (2) are automatically renewed at maturity without any action by the depositor. Certificates that mature at specified dates that are 90 days apart and certificates that mature 90 days after the date of issuance and are automatically renewable for successive 90-day periods until the depositor withdraws his funds constitute multiple maturity time deposits in certificate form with the shortest intervals between payment dates that are permissible if interest thereon is to be paid at a rate of 5 percent.

(c) *90-day notice account.* (1) Another major category of multiple maturity time deposits is deposits that are payable only after written notice of withdrawal. Such deposits may be in the form of a passbook or otherwise. Funds may be added to the account either at specified times or whenever the depositor wishes, depending on the terms of the contract.

(2) A member bank may pay interest at the rate of 5 percent on funds in such an account, on two conditions. The first is that funds must not be withdrawable within 90 days of the date they are deposited. The second is that funds must not be withdrawable less than 90 days after the date of written notice of intention to withdraw. In other words, a member bank may pay 5 percent only on deposits that are payable solely at intervals of at least 90 days.

(3) If a depositor gives 90-days' notice of intention to withdraw and then decides that he will not need the funds at the specified date, he may cancel his notice, either explicitly, or impliedly by a new 90-day notice. He may not, however, retain his right to withdraw at the expiration of the first notice while giving a simultaneous or subsequent notice, unless the latter expires at a date at least 90 days after the expiration of the first.

(d) *90-day notice account coupled with provision for automatic renewal.* (1) Recently, a few banks have offered a 5 percent multiple maturity time deposit contract that authorizes withdrawal by the depositor on more than one basis. For example, the contract may provide that funds received on or before January 1 may be withdrawn March 31 and, with respect to funds not withdrawn on that date, the deposit will be automatically renewed until June 30, and so forth. The contract also provides that funds may be withdrawn on 90 days' notice in writing. In such event, to be consistent with the principle that the depositor may not have access to a 5 percent multiple maturity deposit at intervals of less than 90 days, such a contract should inform the depositor that, when notice is given with respect to all or a portion of the funds on deposit, such notice automatically cancels any other provision for withdrawal that is inconsistent with said principle.

(2) Consequently, if the depositor gives notice on March 1 of his intention to withdraw $1,000 from his account on June 1, the contract should make clear that this automatically cancels his right to withdraw such amount on March 31, since such amount would otherwise be payable at intervals of less than 90 days. Also, his right under the specified maturity (or automatic-renewal maturity) provision to withdraw such amount on June 30 should be suspended, for the same reason. The latter right might be

reinstated by the depositor revoking before April 1 his notice of intention to withdraw, since that would be at least 90 days before the specified June 30 maturity. However, the right to withdraw on March 31 could not be reinstated. If it could, the depositor would be in a position to acquire access to the amount involved at intervals of less than 90 days.

(3) As in a "straight" 90-day notice account, the depositor may supersede his notice of intention to withdraw by a subsequent 90-day notice. Again, such notice would have the effect of canceling any other right to withdraw that is inconsistent with the 90-day interval principle.

(e) *Withdrawal "grace period"*. There is one exception to the rule that a member bank may not pay 5 percent interest on multiple maturity deposits that are payable at intervals of less than 90 days. A bank may permit a depositor to withdraw his funds within 10 days after a specified maturity, even if there is a provision for automatic renewal for 90 days if not withdrawn at said maturity. If he does so, no interest may be paid for the period from the maturity date to the date of withdrawal, for during that time the deposit is a "demand deposit", on which payment of interest is prohibited by law. If he does not so withdraw, the deposit remains a time deposit, with a term running from the maturity date until a subsequent specified date or for a specified number of days.[1]

(f) *"Emergency" withdrawal.* In accordance with § 217.4(d) of Regulation Q, a bank may pay a time deposit before maturity where that is "necessary to prevent great hardship to the depositor", but in that case the depositor forfeits accrued and unpaid (uncredited) interest. Occasions for such withdrawals are exceptional. Unless the depositor is confronted with an actual emergency, a bank may not permit withdrawal of funds before maturity of the deposit or termination of the specified period of notice. If the depositor simply has a need for funds, the bank may extend credit to him on the security of his time deposit, but the rate of interest on such loan must be at least 2 percent per annum in excess of the rate of interest paid on the time deposit.

(g) *Advertising time deposits.* (1) Some recent advertisements by member banks might be interpreted as offering withdrawal privileges from a 5 percent multiple maturity time deposit at intervals of less than 90 days.

(2) In December 1966, the Board was joined by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board in a statement of principles directed against misleading advertising practices in the solicitation of deposits. The third principle states that "If an advertised rate is payable only on investments or deposits that meet fixed time or amount requirements, such requirements should be stated." An advertisement by a member bank that permits the reader to infer that the bank will pay interest at the rate of 5 percent on funds that may be withdrawn at intervals of less than 90 days is inconsistent with that principle and is regarded by the Board as misleading.

(3) The Board heretofore has refrained, in the definition of "time deposit" in Regulation Q, from prescribing permissible designations for such deposits, and has not objected to banks offering time deposit contracts that are called "savings certificates" or "savings bonds".

However, use of such designations without explanation might have a misleading tendency, because of the public's impression that "savings" in a bank will be paid at any time. Consequently, the greater the possibility that the name given to an account may mislead, the more imperative is the bank's obligation to direct the depositor's attention to the withdrawal restrictions that govern the particular account offered.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 371b)

Dated at Washington, D.C., the fifth day of June 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-7197; Filed, June 18, 1968; 8:45 a.m.]

[1] A single maturity time deposit also may be renewed by action of the depositor within 10 days after maturity. In such event, as in the case of the multiple maturity time deposit, a member bank may pay interest on the deposit between the maturity date and renewal thereof at the applicable maximum rate.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FATTY ACIDS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2280) filed by Fatty Acid Producers' Council, 485 Madison Avenue, New York, N.Y. 10022, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of a modified electron capture method (specified below) as an alternative to the gas chromatographic-electron capture method presently prescribed for determining the presence of chick-edema factor in fatty acids. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.1070(c)(3) is revised to read as follows:

§ 121.1070 Fatty acids.

* * * * *

(c) * * *

(3) The gas chromatographic-electron capture method for testing fatty acids for chick-edema shall be the method described in the "Journal of the Association of Official Analytical Chemists," Volume 50 (No. 1), pages 216–218 (1967), or the modified method using a sulfuric acid clean-up procedure, as described in the "Journal of the Association of Official Analytical Chemists," Volume 51 (No. 2), pages 489–490 (1968).

* * * * *

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

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

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

Dated: June 11, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68-7216; Filed, June 18, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1483) filed by Fistere and Haberton, 1012 14th Street NW., Washington, D.C. 20005, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of an additional optional substance (specified below) in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

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

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Polyamide-epichlorohydrin modified resin produced by reacting adipic acid with diethylene triamine to produce a basic polyamide which is modified by reaction with formic acid and formaldehyde and further reacted with epichlorohydrin in the presence of ammonium hydroxide to form a water-soluble cationic resin having a nitrogen content of 13–16 percent (Kjeldahl, dry basis) such that a 35 percent by weight aqueous solution has a minimum viscosity of 75 centipoises at 25° C., as determined by Brookfield Viscosimeter using a No. 1 spindle at 12 r.p.m.	For use only as a retention aid and flocculant employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 0.2 percent dry resin by weight of finished dry paper or paperboard fibers.
* * *	* * *

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

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

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

Dated: June 10, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7217; Filed, June 18, 1968; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In Part 200 in the Table of Contents § 200.58c is deleted and new §§ 200.61, 200.61a, 200.61b, and 200.61c are added as follows:

In § 200.57 paragraphs (b) and (c) are amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of all multifamily housing mortgages, nursing home mortgages; equity investments in multifamily housing: mortgages for the construction and equipment of group medical facilities; for urban renewal housing rehabilitation loans; for the administration of the rent supplement program; and for management assistance for low and moderate income housing projects.

(c) To be responsible for the coordination and general supervision of the Project Mortgage Insurance Division, the Low and Moderate Income Housing Division, the Project Mortgage Servicing Division, and the Special Assistants for Cooperative Housing, Nursing Homes, and Rehabilitation.

In § 200.58 paragraph (a) is amended to read as follows:

§ 200.58 Director of the Project Mortgage Insurance Division and Deputy.

* * * * *

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages, exclusive of sections 221(d)(3) and 221(h); nursing home mortgages; equity investments in multifamily housing; and for mortgages for the construction and equipment of facilities for the group practice of medicine.

In part 200 § 200.58c is revoked as follows:

§ 200.58c Chief of the Low and Moderate Income Housing Branch. [Revoked]

In Part 200 new §§ 200.61, 200.61a, 200.61b, and 200.61c are added to read as follows:

§ 200.61 Director of the Low and Moderate Income Housing Division and Deputy.

To the position of the Director of the Low and Moderate Income Housing Division and under his general supervision to the position of Deputy Director of the Low and Moderate Income Housing Division there is delegated the authority to develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 221(d)(3), exclusive of cooperative and condominium program mortgages; for management assistance for low and moderate income housing projects; and for administration of the rent supplement program.

§ 200.61a Chief of the Below Market Interest Rate Branch.

To the position of Chief of the Below Market Interest Rate Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for the insurance of mortgages under section 221(d)(3), exclusive of those receiving rent supplement program support.

§ 200.61b Chief of the Management Assistance Branch.

To the position of Chief of the Management Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans for management assistance for low and moderate income housing projects.

§ 200.61c Chief of the Rent Supplement Branch.

To the position of Chief of the Rent Supplement Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for the administration of the rent supplement program, including, but not limited to: (a) the reservation of contract authority; (b) the negotiation of rent supplement contracts; (c) tenant eligibility requirements; and (d) the direction and control of the reservation of rent supplement contract authority.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 13, 1968.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-7219; Filed June 18, 1968; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6959]

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Deposits of Certain Excise Taxes in Case of Certain Continuation of Tax Rates

In order to provide regulations relating to deposits in Government depositaries of the excise tax imposed by section 4251 of the Internal Revenue Code of 1954, as amended, in the case of certain continuation of tax rates, § 49.6302(c)-1 of the Facilities and Services Excise Tax Regulations (26 CFR Part 49) is amended by adding a new subdivision (v) to paragraph (a)(1) and by adding a new paragraph (e) at the end thereof. These added provisions read as follows:

§ 49.6302(c)-1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* * * *

(v) See paragraph (e) of this section for special rule in case of continuation of certain excise tax rates.

* * * * *

(e) *Special rule in case of certain continuation of tax rates*—(1) *Application of paragraph.* This paragraph shall apply to amounts, due under section 4251 with respect to amounts paid pursuant to bills first rendered after April 30, 1968, and collected (see paragraph (a)(1)(iii) of this section for amounts considered as collected) during any monthly or semimonthly period ending before the date of enactment of legislation, enacted subsequent to April 30, 1968, which increases the rate of tax applicable under section 4251 to such amounts.

(2) *Amount to be deposited under this paragraph.* The amount to be deposited under this paragraph is an amount equal to the difference between—

(i) The amount required to be deposited, with respect to amounts paid pursuant to bills first rendered during the period described in subparagraph (1) of this paragraph, determined by reference to a rate of tax of one percent, and

(ii) The amount required to be deposited, with respect to amounts paid pursuant to bills first rendered during such period, determined by reference to a rate of tax of 10 percent.

(3) *Time for making deposits.* The amount described in subparagraph (2) of this paragraph shall be deposited on or before the later of—

(i) The third banking day following the enactment of the legislation described in subparagraph (1) of this paragraph,

(ii) July 3, 1968, or

(iii) The date prescribed by paragraph (a) of this section.

Because of the need for prompt guidance concerning the deposit procedure to which this Treasury decision relates, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: June 14, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-7288; Filed, June 18, 1968; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

PART 701—AVAILABILITY OF OFFICIAL RECORDS

Miscellaneous Amendments

Scope and purpose. Part 701.1 is amended by updating paragraphs (j)(4)(i)(*b*) and (*c*) as follows:

§ 701.1 Policies and procedures for making records available to the public.

* * * * *

(j) *Release procedures.*

* * * * *

(4) *Procedures for releasing naval records*—(i) *Release authorities.*

* * * * *

(*b*) In the Shore Establishment, commanders of systems commands; commanders of naval districts; the Commanders of the Naval Intelligence, Naval Communications, and Naval Weather Service Commands; and the Chief of Naval Air Training.

(*c*) In the Operating Forces, fleet commanders in chief, and the Commander, Military Sea Transportation Service.

* * * * *

(5 U.S.C. 301, 552)

Dated: June 10, 1968.

By the direction of the Secretary of the Navy.

[SEAL] D. D. CHAPMAN,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 68-7192; Filed, June 18, 1968; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF UNCLASSIFIED RECORDS

Subpart F—Disclosure of Unclassified Records of Trial After Courts-Martial

Part 806, Subchapter A, Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding a new Subpart F, reading as follows:

Sec.
806.13 Purpose.
806.14 Basic disclosure policies.
806.15 Disclosure authority.
806.16 Submitting requests.
806.17 Processing requests.

AUTHORITY: The provisions of this Subpart F issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552, DoD Directive 5400.7, June 1967.
SOURCE: AFR 111-2, June 10, 1968.

§ 806.13 Purpose.

This part states basic policies and instructions governing the disclosure of unclassified records of trial after courts-martial, and tells the general public and news media what they must do to inspect or obtain copies of a record of trial. It implements 5 U.S.C. 552 and DoD Directive 5400.7, June 23, 1967.

§ 806.14 Basic disclosure policies.

(a) When properly requested (§ 806.16), unclassified records of trial by courts-martial which are final under Article 76, UCMJ, are made available by the disclosure authority responsible for final action on the case (§ 806.15).

(b) The term "record of trial," as used herein:

(1) Includes the record proper and all exhibits, together with all actions taken and court-martial orders promulgated in the case.

(2) Does not include the allied papers in the record. (Requests for allied papers are submitted under Subpart D of this subchapter.) In any case governed by Article 65 (a) or (b), UCMJ, the written review of the staff judge advocate to the officer exercising general court-martial jurisdiction, and the opinion of the Board of Review if applicable, are made available if the requestor specifies in his request that he desires these opinions as well as the record of trial.

(c) Normally, records of trial are made available only after completion of the review procedures provided for by the UCMJ. However, records may be made available before completion of appellate review if it is determined that the circumstances so warrant and that disclosure will not interfere with the orderly processing of the case. This determination is made by the disclosure authority at the highest level of review within the Air Force provided for by the UCMJ for a record of trial of the type requested.

(d) A requestor may not browse through entire files to find the record he desires so that he may then request it. Records or groups of records which are not individually identified in a request are not made available.

§ 806.15 **Disclosure authority.**

Rule	A If type of trial is—	B Then disclosure authority is—
1	General court-martial	The Judge Advocate General (AFJAM).
2	Special court-martial with bad conduct discharge approved by convening authority and by officer exercising general court-martial jurisdiction.	
3	Special court-martial other than in rule 2.	Staff judge advocate to officer exercising general court-martial jurisdiction.
4	Summary court-martial	

§ 806.16 **Submitting requests.**

(a) Address requests, in writing, as follows:

(1) If the location of the record requested is known, to the disclosure authority indicated in § 806.15.

(2) If the location of the record requested is not known, to HQ USAF (AFJAM), Wash DC 20330.

(b) Include in the request:

(1) As complete identification of the record as possible (full name, rank, and identification number of the accused, date and place of trial, and identification of the convening authority by command designation). If the requestor submits only a part of the identifying details, the Air Force makes a reasonable effort to locate the record requested.

(2) Whether the requestor desires to inspect or to obtain copies of a record of trial.

§ 806.17 **Processing requests.**

(a) When an Air Force activity other than the appropriate disclosure authority receives a request under this regulation, it forwards the request promptly to the disclosure authority. Air Force persons make all reasonable efforts to assist private persons in directing requests for records of trial to the appropriate disclosure authority.

(b) Upon receipt of a request, the disclosure authority specified in § 806.15 communicates with the requestor to inform him of the following matters, as appropriate:

(1) Tell him when and where the record of trial may be inspected. If a search fee is to be charged under Part 813 of this title inform him of the cost, and tell him he must pay this amount before inspecting the record (except for urgent requests).

(2) Advise him of the amount of the fee required under Part 813 of this title for a copy of the record. Inform him that a copy is furnished only after payment is received (except for urgent requests).

(c) The disclosure authority arranges to make the record of trial available upon payment of the applicable fees (or immediately if that authority determines that the request is an urgent one and authorizes payment after the record is furnished). Any copies of the record to be furnished are reproduced as expeditiously as possible without impairing the ability of Air Force activities to perform their other duties. When necessary, military reproduction facilities assist the disclosure authority in fulfilling the request.

(d) Disclosure authorities maintain with the original record of trial, a record of persons to whom that record of trial has been made available, with the addresses of such persons, dates of access, and information concerning any copies furnished under this regulation and Part 813 of this title.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 68-7191; Filed, June 18, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

SUBSISTENCE ALLOWANCE, CHILD ADOPTED OUT OF VETERAN'S FAMILY

In § 21.137, paragraph (c) is amended to read as follows:

§ 21.137 **Apportionment.**

* * * * *

(c) *Child adopted out of family.* Where evidence establishes that a veteran is the natural parent of a child or children legally adopted outside of the veteran's family, only such additional amount of subsistence allowance on account of the existence of such child or children will be apportioned in favor of the child or children. The veteran is not entitled in his own right to whatever additional amount of subsistence allowance is payable because of the existence of such child unless the veteran is contributing to the child's support.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: June 11, 1968.

By Direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-7215; Filed, June 18, 1968; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 13; Docket 67-58]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

COMPENSATION AND FREIGHT FORWARDER CERTIFICATION

This rulemaking proceeding was instituted by notice published in the FEDERAL REGISTER December 20, 1967 (32 F.R. 19192). The proceeding was instituted to amend paragraph (a) of § 510.24, Title 46 CFR. The purpose of the amendment was to require a licensee freight forwarder to disclose the name of the actual shipper on the "shipper" line of the ocean bill of lading, in order to be entitled to compensation, thereby enabling the conferences to more effectively police their Commission approved dual rate contracts.

The amendment was considered necessary because it was discovered that certain licensed forwarders were evading the spirit, if not the letter, of the present rule which prohibits payment of compensation to forwarders on shipments "wherein the licensee's name appears on the ocean bill of lading as shipper or as agent for an undisclosed principal." Evasion of the spirit of the rule was accomplished by a forwarder naming himself on the "shipper" line of the bill of lading as agent for a shipper who is disclosed elsewhere in the body of the bill, usually in the "Description of packages and goods" column.

Since bills of lading for nonconference vessels are inaccessible to the conferences, the only lawful manner by which a conference can obtain the information required to police its contracts is to subscribe to copies of extracts of ships' manifests which are made available by custom authorities in foreign ports. The ship's manifest is prepared by the carrier from the information contained in the bills of lading. It reveals only the shipper's name as it appears on the "shipper" line on the bill of lading. Therefore, if the actual shipper's name is disclosed in the body of the bill of lading rather than on the "shipper" line of the bill, it will not appear on the manifest and, thus, not on the "Extract" published by foreign customs authorities. Accordingly, the conferences have no way of determining the true shipper or whether any contract signatories are evading their dual rate contracts by shipping in the name of their freight forwarders.

In order to prevent further evasion of the spirit of § 510.24(a), we proposed to amend that section to provide that a licensee freight forwarder could not receive compensation on a shipment "unless the name of the actual shipper is disclosed on the shipper identification line appearing above the cargo description data of the ocean bill of lading."

Interested parties have filed comments. Hearing Counsel have replied to these comments and answers to Hearing Counsel's reply have been submitted. Oral argument has been heard.

The majority of the comments have been in support of the rule with a few suggested modifications as to the application of the rule. Only New York Freight Forwarders and Brokers Association, Inc. (New York Association) is opposed to the rule.

The majority of the comments of the New York Association is directed toward the propriety of the promulgation of any rule which would require shipper disclosure on the bill of lading. In Docket 66-31,[1] when the present rule was adopted, this question was resolved. We decided then to require such disclosure and explained the purpose and reasons for such a requirement. This proceeding was necessitated by the evasion by certain forwarders of the spirit of the present rule and is designed merely to determine the manner and the extent to which such shipper disclosure will be required. Accordingly, no detailed discussion of comments directed to the propriety of requiring disclosure should be necessary. We will, however, touch briefly on the New York Association's arguments in an attempt to permanently lay them to rest.

The New York Association suggests that the Commission's rulemaking authority extends only to regulating practices found to violate a substantive provision of the Shipping Act and, since the Commission cannot find that the practice of a forwarder in showing himself on a bill of lading as shipper or as agent for an undisclosed principal results in such a violation, the Commission's attempt to curb this practice by rulemaking is without authority. The argument that we must first find a violation of a substantive provision of the Act has been advanced before us on numerous occasions. Our most recent rejection of it appeared in Docket 66-31, the rulemaking proceeding which promulgated inter alia the present rule in § 510.24(a). We stated that section 44(c) of the Act authorized the rules and pointed out that this view had previously been supported and that the New York Association's contentions had previously been rejected by the Court of Appeals for the Second Circuit.[2] Our decision in Docket 66-31 was upheld by the Court of Appeals for the District of Columbia Circuit in No. 20,868, New York Foreign Frgt. F. & B. Ass'n v. Federal Maritime Commission, 384 F. 2d 979 (1967).

The New York Association also suggests that since the rule is intended to enable conferences to more effectively police their dual rate contracts, the rule is not necessary for the effective regulation of the ocean freight forwarding industry. The New York Association states that in December 1967, we revoked a previously adopted amendment to § 510.22(a), reasoning that the amendment was not necessary for the effective regulation of forwarders. The New York Association suggests the same approach be followed here. The answer to this is simply that the proposed rule in question here is necessary for the regulation of forwarders since it prevents forwarder participation in unlawful evasions of the Shipping Act. Furthermore, in revoking the above-mentioned amendment to § 510.22(a), we did not presume to limit our freight forwarder rulemaking authority to cases where the rule is necessary for the effective regulation of forwarders. Neither are we so limited by sections 43 and 44(c) of the Shipping Act which define our rulemaking powers.

The New York Association urges that the adoption of the proposed rule will divert traffic from U.S. carriers and thereby aggravate the U.S. balance of payments problem. This is said to happen when for business reasons, an American supplier, at the request of a foreign consignee, directs the forwarder to ship in his own name. The forwarder, complying with such direction, would thereby lose his compensation. The New York Association suggests the forwarder will then recoup his lost compensation by increasing his forwarding fee to the American supplier. The American supplier will then either increase his selling price thereby affecting his ability to compete with overseas suppliers or remain uninvolved by selling goods f.o.b. plant or f.a.s. vessel resulting in overseas control over the routing of the shipment. Either alternative is said to cause diversion of cargo from U.S. vessels thereby aggravating our balance of payment problem.

This whole argument is based on the premise that valid reasons exist for not disclosing the name of the American supplier. A few reasons have been suggested in this proceeding, but they have been neither documented nor substantiated nor do they appear valid on their face.[3] Absent the existence of valid reasons for nondisclosure, it would appear that nondisclosure is only for the purpose of dual rate contract evasion. Since most U.S. lines are dual rate conference lines, potential cargo would be diverted from U.S. lines wherever the dual rate contract evasion occurs. This would result in the same aggravation of the balance of payments problem that the New York Association is so worried about.

The New York Association recognizes that to achieve enforcement of dual rate contracts pursuant to the proposed rule, it will be incumbent upon a conference to gain access to the manifest of the nonconference line so that the conference may ascertain whether its contract signatory appears there as shipper. The New York Association suggests that Part 26 of the U.S. Customs Regulations requires the manifests filed with U.S. custom officials be kept confidential. To encourage inspection of manifests by conferences is said to be contrary to the Custom Bureau's policy of confidentiality. It is clear that the Custom Bureau's rule requiring confidentiality is directed toward "officers and employees of the Customs Service." Moreover, this rule in no way affects a shipping conference's attempts to obtain information from ship's manifests, extracts of which are legally made available in foreign countries.

Finally, the New York Association suggests that the Commission has no evidence or proof that forwarders are being used or are collaborating with shippers in their attempts to evade dual rate contracts and that, absent such proof, the proposed rule is arbitrary and capricious and cannot properly be issued.

It is clear from the evidence before us that the practice of naming the forwarder as shipper is common and that it is significantly more common on shipments made on nonconference lines than on shipments made on conference lines. This evidence points out the need for the proposed rule. Considering the frequency with which nonconference shipments are made in the name of a forwarder, it becomes very difficult for conference members to discover the identity of the true shipper. Also, while the evidence is by no means conclusive, there is a strong inference that disclosure of the true shipper on shipments via nonconference vessels is being withheld for the purpose of enabling shippers to evade their dual rate contracts. At any rate, until such practice of withholding disclosure is discontinued, conferences have no way of knowing. We conclude the rule is neither arbitrary nor capricious.

There remains the questions of how extensively the rule is to apply, and what form the disclosure requirement is to take.

Various suggestions have been made that the "shipper line" disclosure requirement need not apply (1) where shipments are made via conference carriers; (2) where shipments are made via a carrier in a trade where no dual rate contract is in effect; (3) where the U.S. exporter is not a signatory to the dual rate agreement in the trade; and (4) if the legal right to select the carrier is in a consignee who is not a signatory to the dual rate contract.

The proposed exclusions numbered (3) and (4) would be unacceptable because they would defeat the purpose of the rule since there would be no way to verify either that the shipper is not a signatory or that the legal right to select the carrier is in the consignee.

The stated objective of the amendment is to facilitate enforcement of dual rate contracts. This objective is not necessarily served by requiring disclosure of the actual shipper on the "shipper line" in the case of proposed exclusions (1) and

[1] 31 F.R. 13650; Oct. 22, 1966.

[2] New York Foreign Frgt. F. & B. Ass'n v. Federal Maritime Com'n, 337 F. 2d 289, 294 (2d Cir. 1964) cert. den. 380 U.S. 910, 914 (1965).

[3] For instance, it is suggested that a consignee may be importing franchised merchandise and may request nondisclosure to avoid legal harassment.

(2), i.e., when shipments move on conference carriers or on nonconference carriers in trades where no dual rate contract is in effect. Nevertheless, it should not be overlooked that a second purpose of the disclosure rule (as promulgated in Docket No. 66-31) would require disclosure of the shipper as a means of preventing unlawful rebates. To achieve this second purpose, disclosure of the true shipper should be required in all instances. It may not be absolutely necessary to demand disclosure of the actual shipper on the "shipper line" to achieve this second purpose, but such a definite requirement would eliminate what might otherwise be a somewhat shallow distinction between showing the shipper on the "shipper line" in some instances and of showing the shipper anywhere on the face or in the body of the bill of lading in others. Also, equal treatment of all shipments would prevent any future allegations of preference or discrimination.

We believe that the best rule is the simplest and fairest rule and that the simplest and fairest rule is one which applies clearly and equally to all intended to be covered thereby. Accordingly, we are requiring shipper disclosure on the "shipper line" as a condition precedent to payment of compensation in all cases, with no exception.

It has also been suggested that a forwarder should not be permitted to continue to show his name on the "shipper line" unless it is listed immediately following the actual shipper's name inasmuch as very often, in the preparation of a manifest, only the first name appearing in the "shipper line" is transcribed on the manifest. We adopted this suggestion since to fail to do so would defeat the purpose of the rule which ultimately involves obtaining the name of the true shipper from the manifest.

It has also been suggested that an exception be adopted to permit the forwarder's name to appear on the shipper line if three or more shippers are consolidated on one bill of lading. It is suggested that it will be physically impossible to list three or more shippers on the shipper line and that in such situations the forwarder's name could appear as "agent for shippers mentioned below", in the body of the bill of lading.

We do not agree that such an exception is necessary. The suggested purpose of consolidating shipments on a single bill of lading is to escape the minimum bill of lading charge which would otherwise apply to the individual items. It seems clear that if three shipments can be consolidated on a bill of lading, the sum of three items should equal the minimum charge. Additional items can be consolidated on another bill of lading. There appears to be no problem of having sufficient space to name three shippers in the appropriate area of the bill of lading.

For the reasons described herein, the Commission, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841a, 841b), hereby amends paragraph (a) of § 510.24 of Title 46 CFR to read as follows:

§ 510.24 Compensation and freight forwarder certifications.

(a) No oceangoing common carrier shall pay to a licensee, and no licensee shall charge or receive from any such carrier, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage," "commission," "fee," or by any other name, in connection with any cargo or shipment unless the name of the actual shipper is disclosed on the shipper identification line appearing above the cargo description data of the ocean bill of lading, and, if the forwarder's name also appears on said shipper identification line, it appears after the name of the actual shipper.

* * * * *

Effective date. This amendment shall become effective 30 days after date of publication in the FEDERAL REGISTER.

By the Commission.[4]

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 68-7242; Filed, June 18, 1968; 8:49 a.m.]

[4] Concurring and dissenting opinions of Vice Chairman George H. Hearn and Commissioner James V. Day filed as part of original document.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16778; FCC 68-633]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Memorandum Opinion and Order Staying Effective Date of Report and Order (33 F.R. 7234)

In the matter of amendment of Part 21 of the Commission's rules with respect to the 150.8-162 Mc/s band to allocate presently unassignable spectrum to the Domestic Public Land Mobile Radio Service by adjustment of certain of the band edges, Docket No. 16778.

1. The Commission has under consideration a "Petition for Stay" in the above-captioned proceeding filed June 12, 1968 by Radio Relay Corp., requesting that the June 17, 1968 effective date of the report and order (FCC 68-515, released May 13, 1968) be stayed, together with any and all action, including hearings or issuance of any license, with respect to applications for licenses filed pursuant thereto, pending Commission action on a petition filed simultaneously for "Reconsideration and A Hearing" on the report and order.

2. Radio Relay contends in support that only by the retention of the status quo can irreparable injury be prevented to itself and other small carriers similarly situated; that absent a stay a score of applications will be filed for licenses necessitating the filing of oppositions in each instance; that the cost of opposing each application on a piece-meal basis would in itself be ruinous; that moreover, a "one-by-one" approach would fail to reveal to the Commission the true overall effect of the May 13 order which is the crux of the problem.

3. An examination of Radio Relay's pleading does not substantiate its contention that irreparable injury would result to either itself or the public interest in the event a stay is not granted, since it is unlikely that there will in fact be any change in the status quo before the Commission has had an opportunity to consider Radio Relay's request for reconsideration. However, we believe that under the circumstances presented in this instance, it is more practical not to invite the anticipated filing of the large number of applications until the short period of time required for a ruling on the petition for reconsideration has passed. We will therefore, in our discretion grant a stay pending a decision on the merits of the reconsideration request. The time factors involved warrant acting on this pleading prior to the expiration of the time within which to file responsive pleadings.

Accordingly, it is ordered, That the request for stay filed by Radio Relay on June 12, 1968, is granted for the foregoing reasons.

Adopted: June 14, 1968.

Released: June 14, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-7286; Filed, June 18, 1968; 8:49 a.m.]

[1] Commissioners Bartley, Loevinger, and Johnson absent.

[RM 1177; FCC 68-626]

PART 87—AVIATION SERVICES

Frequency Stability Requirements for Single Sideband Operations by Civil Air Patrol Stations

In the matter of amendment of Part 87 of the rules to relax the frequency stability requirements for single sideband operations by Civil Air Patrol stations, RM 1177.

1. The Civil Air Patrol (CAP) a civilian auxiliary of the U.S. Air Force, has filed petitions for rule changes to provide relief from the frequency stability required for single sideband (SSB) operations by CAP radio stations on frequencies below 25 Mc/s. These stations are now assigned government frequencies in the 2 and 4 Mc/s bands. Petitioner requested that it be required only to maintain the carrier frequency in these operations to within 0.005 percent of the specified carrier frequency for a period of 5 years and to within 0.001 percent thereafter. Comments substantially in support of petitioner's request were filed by the Heath Co., Benton Harbor, Mich.

2. For radio stations in the Aviation Services, the rules presently require that when transmitting SSB emissions, the carrier frequency shall be maintained within 10 cps for ground stations, and 20 cps for aircraft stations, of the specified carrier frequency. These requirements are considerably more stringent than the deviation permitted radio stations in these services when not transmitting SSB emissions. In establishing these tolerances it was considered that any greater deviation from specified carrier frequency would result in unintelligibility or loss of communications, lack of voice recognition and interference with the communications of other radio users.

3. The Petitions stated that the official policy of the Civil Air Patrol is to encourage members to use modern equipment such as is used for SSB operations. Petitioner asserts, however, that in the national interest additional time is needed to achieve this objective.

4. We have advised CAP that they may not be able to communicate satisfactorily when operating with a deviation allowance as requested. CAP states, however, they will accept any resultant adverse consequences. The present SSB tolerances were prescribed after extensive study and consideration of many factors. The objective was to establish an efficient and effective communications system for use by a wide variety of airborne stations who are quite often in transit away from their home bases. They must communicate at such times with unfamiliar ground stations with whom they have had no prior opportunity to test transmissions. Under such circumstances a highly reliable communications system is essential. SSB emissions occupy a narrower band than usual radio transmissions and require the use of more sophisticated, precision equipment. Under such circumstances, excessive deviation could result in the loss or impairment of communications as described above. In view of the asserted need for tolerance relief in the national interest, however, and since CAP operates a closed system using government frequencies where any adverse consequences from the requested action would affect only CAP operations and no other radio users for whom the Commission has regulatory responsibility, we do not believe the public interest would be served by denying applicant's request for rule change in this instance.

5. The present amendment grants petitioner's request without affecting users of the adjacent radio spectrum since even with this relaxation of frequency stability requirements the maximum occupied band width will be no greater than is now permitted petitioner when operating on these frequencies with double sideband (6A3) emissions. The amendments provide the relief requested for radio stations of an organization established, in part, to assist in meeting local and national emergencies.

6. The Interdepartment Radio Advisory Committee (IRAC) has been consulted and interposed no objections to this proposal.

7. The amendments adopted herein pertain to the use of government frequencies used only by the petitioner or its parent agency the U.S. Air Force. Since IRAC has not objected to the proposed amendments and since users of other frequencies are not affected, as described above, the issuance of public notice of proposed rule making would serve no purpose and is not required pursuant to 5 U.S.C. section 553.

8. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, effective June 21, 1968, as set forth below.

9. *It is further ordered,* That this proceeding is terminated.

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

Adopted: June 12, 1968.

Released: June 14, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In § 87.65, paragraph (c) is amended to read as follows:

§ 87.65 Frequency stability.

* * * * *

(c) When transmitting single sideband emission, the carrier frequency shall be maintained within the applicable following number of cycles per second of the specified carrier frequency:

(1) For other than Civil Air Patrol stations:

(i) All ground stations........... 10 cps.
(ii) All aircraft stations.......... 20 cps.

(2) For Civil Air Patrol stations .... [1] 50 cps.

* * * * *

[1] A tolerance of .005 percent is applicable until Jan. 1, 1973.

[F.R. Doc. 68-7237; Filed, June 18, 1968; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 171—MONEY ORDERS

Changes in Conversion Rates for International Money Orders Issued for Payment in Canada

In § 171.2 Table 1 under paragraph (b) is revised to show the new conversion rate effective June 16, 1968 for money orders issued for payment in Canada will be $1 U.S. currency equals 1.0752 Canadian dollars.

§ 171.2 International money orders.

* * * * *

(b) *Conversion tables, international money orders.* * * *

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[1] Commissioners Bartley and Wadsworth absent.

TABLE NO. 1

(Rate: 1 U.S. dollar = 1.0752 Canadian dollars)

FROM 1 CENT TO 100 DOLLARS

United States cents	Canadian cents	United States cents	Canadian cents	United States cents	Canadian cents	United States dollars	Canadian dollars	United States dollars	Canadian dollars
1	1	41	44	81	87	22.00	23.65	62.00	66.66
2	2	42	45	82	88	23.00	24.73	63.00	67.74
3	3	43	46	83	89	24.00	25.80	64.00	68.81
4	4	44	47	84	90	25.00	26.88	65.00	69.89
5	5	45	48	85	91	26.00	27.96	66.00	70.96
6	6	46	49	86	92	27.00	29.03	67.00	72.04
7	8	47	51	87	94	28.00	30.11	68.00	73.11
8	9	48	52	88	95	29.00	31.18	69.00	74.19
9	10	49	53	89	96	30.00	32.26	70.00	75.26
10	11	50	54	90	97	31.00	33.33	71.00	76.34
11	12	51	55	91	98	32.00	34.41	72.00	77.41
12	13	52	56	92	99	33.00	35.48	73.00	78.49
13	14	53	57	93	$1.00	34.00	36.56	74.00	79.56
14	15	54	58	94	1.01	35.00	37.63	75.00	80.64
15	16	55	59	95	1.02	36.00	38.71	76.00	81.72
16	17	56	60	96	1.03	37.00	39.78	77.00	82.79
17	18	57	61	97	1.04	38.00	40.86	78.00	83.87
18	19	58	62	98	1.05	39.00	41.93	79.00	84.94
19	20	59	63	99	1.06	40.00	43.01	80.00	86.02
20	22	60	65	$1.00	1.08	41.00	44.08	81.00	87.00
21	23	61	66	2.00	2.15	42.00	45.16	82.00	88.17
22	24	62	67	3.00	3.23	43.00	46.23	83.00	89.24
23	25	63	68	4.00	4.30	44.00	47.31	84.00	90.32
24	26	64	69	5.00	5.38	45.00	48.38	85.00	91.39
25	27	65	70	6.00	6.45	46.00	49.46	86.00	92.47
26	28	66	71	7.00	7.53	47.00	50.53	87.90	93.54
27	29	67	72	8.00	8.60	48.00	51.61	88.00	94.62
28	30	68	73	9.00	9.68	49.00	52.68	89.00	95.69
29	31	69	74	10.00	10.75	50.00	53.76	90.00	96.77
30	32	70	75	11.00	11.83	51.00	54.84	91.00	97.84
31	33	71	76	12.00	12.90	52.00	55.91	92.00	98.92
32	34	72	77	13.00	13.98	53.00	56.99	93.00	99.99
33	35	73	78	14.00	15.05	54.00	58.06	94.00	101.07
34	37	74	80	15.00	16.13	55.00	59.14	95.00	102.14
35	38	75	81	16.00	17.20	56.00	60.21	96.00	103.22
36	39	76	82	17.00	18.28	57.00	61.29	97.00	104.29
37	40	77	83	18.00	19.35	58.00	62.36	98.00	105.37
38	41	78	84	19.00	20.43	59.00	63.44	99.00	106.44
39	42	79	85	20.00	21.50	60.00	64.51	100.00	107.52
40	43	80	86	21.00	22.58	61.00	65.59		

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

TIMOTHY J. MAY,
General Counsel.

JUNE 12, 1968.

[F.R. Doc. 68-7199; Filed, June 18, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

[Docket No. AO-354-A1]

CELERY GROWN IN FLORIDA

Notice of Hearing Regarding Proposed Amendments to Marketing Agreement and Order

Pursuant to applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceeding to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Florida Fruit and Vegetable Association Auditorium, 4401 East Colonial Drive, Orlando, Fla., beginning at 10 a.m., June 27, 1968, with respect to proposed amendments to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of celery grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions relating to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendments to the marketing agreement and order were submitted by the Florida Celery Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon. The proposals are as follows:

1. Section 967.16 is added as follows:

§ 967.16 Grade and size.

"Grade" means any of the established grades of celery and "size" means any of the established sizes of celery stalks per crate as defined and set forth in the U.S. Standards for Celery (§§ 51.560 to 51.588, inclusive of this title) or U.S. Consumer Standards for Celery Stalks (§§ 51.595 to 51.613, inclusive of this title), issued by the U.S. Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

2. Section 967.17 is added as follows:

§ 967.17 Farm operation.

"Farm operation" means any farm operations which produce celery for one or more holders of a base quantity under contract or other arrangement.

3. Section 967.18 is added as follows:

§ 967.18 Flow-to-Market period.

"Flow-to-Market period" means any period or periods of one or more days which the committee may establish with the approval of the Secretary for the purposes of Flow-to-Market regulations.

4. Section 967.27, paragraph (b) is revised by deleting subparagraph (1) and deleting "(2) For succeeding committees", in subparagraph (2).

5. Paragraph (c) of § 967.35 is deleted.

6. Section 967.35 is revised to read as follows:

§ 967.35 Marketing policy.

(a) The committee shall meet, consider and adopt a marketing policy for each season. Committee considerations shall include probable celery production within the production area and in competing areas, the grade, size, quality, and quantity of celery which should be made available to market during such season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations the committee shall adopt a marketing policy for such season as follows:

(1) Annual allotment—A meeting to adopt a policy regarding the annual quantity of celery to be marketed shall be held not later than June 15 of each year. Prior to November 1 of each year, the committee shall review such marketing policy and as changes are indicated, the committee may recommend appropriate revision.

(2) Other regulations—Prior to or at the same time initial recommendations in any season are made pursuant to § 967.40, the committee shall prepare a marketing policy statement concerning the necessity for such regulations.

(b) Notice of the initial marketing policy for a marketing season or any later changes shall be submitted promptly to the Secretary and notice of such marketing policy shall be given to handlers, producers and other interested parties by bulletins or other appropriate media.

OTHER REGULATIONS

7. Section 967.40 is added as follows:

§ 967.40 Issuance of other regulations.

(a) The Secretary may also limit by regulations the handling of celery whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may include:

(1) Flow-to-Market regulation.

(i) The committee may recommend and the Secretary may issue rules pertaining to Flow-to-Market procedures and regulations.

(ii) The committee may recommend to the Secretary the total quantity of celery which it deems advisable to be handled during any specified Flow-to-Market period or periods.

(iii) In making its recommendations, the committee shall give due consideration to the following factors:

(*a*) Market prices for celery; (*b*) supply of celery on hand at shipping point, on track at, and en route to, the principal markets; (*c*) supply, maturity, and condition of celery in the production area; (*d*) market prices and supplies of celery from competitive producing areas, and supplies of other competitive vegetables; (*e*) trend and level in consumer income; and (*f*) other relevant factors.

(iv) At any time during a Flow-to-Market period for which the Secretary, has fixed the quantity of celery which may be handled, the committee may recommend to the Secretary that such quantity be increased for such period. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

(v) Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of celery which may be handled during a specified Flow-to-Market period will tend to effectuate the declared policy of the Act, he shall fix such quantity. The quantity so fixed for any such period may be increased by the Secretary at any time during such period. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

(vi) Harvest requests.

(*a*) Each handler who desires to handle celery shall submit to the committee a written request setting forth the number of crates from each producer or farm operation which he will have available for handling during the ensuing Flow-to-Market period accompanied by an application for his pro rata share as provided in this section.

(*b*) Such written request and application shall be submitted at such time and in such manner and contain such other information as the committee may require and the Secretary approve including but not limited to: (*i*) The age or transplant date of the celery to be handled; (*ii*) the field or portions thereof and the rows thereof and the rows therein from which the celery is to be harvested; and (*iii*) previous and anticipated yields per row or acre.

(*c*) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(vii) Whenever the Secretary has fixed the total quantity of celery that may be handled during a regulated Flow-to-Market period, the committee shall compute under a uniform rule, for each producer entitled thereto, the quantity of celery which may be handled by or for him or purchased from him by handlers during such period. The amount to be handled under these regulations will be in addition to that quantity of celery a handler has on hand at the commencement of the specified Flow-to-Market period, as reflected in reports required by the committee and approved by the Secretary.

(2) The percentage obtained by dividing the quantity of crates set by the Secretary for such Flow-to-Market period by the total crates requested by all handlers for such period shall be applied uniformly to the amount available for handling for each producer to determine the maximum number of crates that may be handled by or for him during that period: *Provided*, That it is within his unused Marketable Allotment pursuant to § 967.38; *And provided further*, That until more than 37,500 crates of his production has been handled on his behalf during the current season, he shall not be reduced by the Flow-to-Market regulation; however, he shall be limited to 100 percent of the harvest request filed by or for him for such Flow-to-Market period.

(3) The committee, with the approval of the Secretary, shall establish uniform rules to the end that handlers' allotments will be apportioned equitably among the producers thereof.

(4) For the purpose of determining compliance with Flow-to-Market limitations, a tolerance of 5 percent of an allotment holder's allowed Flow-to-Market quantity for such period is permitted.

(viii) Verification of compliance with allotments. During any season or Flow-to-Market period for which allotment regulations are in effect, all acreage of celery included in applications for allotments shall be subject to field checking by the committee to determine compliance with allotments. Checking procedures, methods for establishing committee determinations, means for notifying handlers and other persons of the extent to which allotments have been used shall be in accordance with rules recommended by the committee and approved by the Secretary. Such rules may also provide that a handler shall not handle celery from a field on which allotments applicable to the available supply estimated therefor have been exhausted unless regulations in effect under § 967.40(b)(1) are suspended or terminated.

(2) Establish holidays by limiting the handling of harvested celery during a specified period or periods. The amount to be handled under these regulations will be in addition to that quantity of celery a handler has on hand at the commencement of the holiday, as reflected in reports required by the committee and approved by the Secretary.

(3) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities, or packs or any combination thereof, of celery during any period;

(4) Limit the handling of celery by establishing, in terms of grade, condition, or maturity, minimum standards of quality and maturity;

(5) Require uniform inspection, grading of and proper labeling of celery, in accordance with the standards so established.

(6) Fix the size, capacity, weight, dimensions, or pack of the container or contaniers which may be handled.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions as recommended by the committee and approved by the Secretary; or

(3) That regulations issued hereunder no longer tend to effectutate the declared policy of the Act.

8. Section 967.41 is added as follows:

§ 967.41 **Handling for special purposes.**

Regulations in effect pursuant to § 967.38 or § 967.40 may be modified, suspended, or terminated to facilitate handling of celery for:

(a) Exports;

(b) Relief or charity;

(c) Experimental purposes;

(d) Canning or freezing; and

(e) Other purpose which may be recommended by the committee and approved by the Secretary.

9. Section 967.42 is added as follows:

§ 967.42 **Safeguards.**

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 967.41 were handled and used for the purpose stated.

INSPECTION

10. Section 967.43 is added as follows:

§ 967.43 **Inspection and certification.**

(a) Whenever the handling of celery is regulated pursuant to § 967.40(b) (3)–(5), or at other times when recommended by the committee and approved by the Secretary, no handler shall handle celery unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 967.40(c) or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of celery shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle celery after it has been regraded, resorted, repacked or in any way additionally prepared for market, unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked celery may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all celery so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When celery is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of celery by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated by the committee.

MARKETING RESEARCH AND DEVELOPMENT

11. Section 967.44 is added as follows:

§ 967.44 **Marketing research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of celery. The expenses of such projects shall be paid by funds collected pursuant to § 967.61. Upon conclusion of each program, but at least annually, the committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. A similar report to the committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the committee and the Secretary. The committee shall, with the approval of the Secretary, establish criteria which will determine such major program.

12. The following sections are renumbered:

Sections 967.40–42 are renumbered §§ 967.60–62 respectively.

Sections 967.45–48 are renumbered §§ 967.70–73 respectively.

Sections 967.50–60 are renumbered §§ 967.80–90 respectively.

13. The Secretary shall make such changes as may be necessary for the entire marketing agreement and order to

conform with any amendments thereto that may result from the hearing pursuant to this notice.

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Field Representative, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, Fla. 33802.

Dated: June 17, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-7317; Filed, June 18, 1968; 8:49 a.m.]

[7 CFR Part 1061]

[Docket No. AO-367]

MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA ("DAIRYLAND") MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the North Hall, Mayo Civic Auditorium, 30 Second Avenue SE., Rochester, Minn., beginning at 10 a.m. on July 9, 1968, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Southeastern Minnesota-Northern Iowa ("Dairyland") marketing area.

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

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

Proposed by Rochester Dairy Cooperative; Adams Cooperative Creamery; Rushford Cooperative Creamery; Racine Cooperative Creamery; Kellogg Cooperative Creamery; Wilson Cooperative Creamery; Albert Lea Cooperative Creamery Association; Rice County Cooperative Dairy Association; New Prague Dairy Products, Inc.; Le Center Farmers Cooperative; Elba Cooperative Creamery; Spring Valley Cooperative Creamery; Bellechester Cooperative Creamery; Webster Cooperative Dairy; Red Oak Grove Cooperative Creamery Association; Five Star Dairyland Cooperative; South Central Grade A Cooperative; Waseca Cooperative; Pratt Cooperative; Southern Dairy Association; Plainview Milk Products; Stewartville Cooperative Creamery; Utica Cooperative Creamery; Rollingstone Creamery; Oak Center Creamery; Mazeppa Cooperative Dairy Association; Goodhue Cooperative Creamery Association; Farmers Cooperative Creamery; Cresco, Iowa; Kiester Cooperative Creamery; and Ridgeway Cooperative Creamery:

Proposal No. 1.

DEFINITIONS

§ 1061.1 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.

§ 1061.2 Secretary.

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

§ 1061.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1061.4 Market administrator.

"Market administrator" means the person designated pursuant to § 1061.20 as the agency for the administration of this part.

§ 1061.5 Person.

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

§ 1061.6 Southeastern Minnesota-Northern Iowa ("Dairyland") marketing area.

"Southeastern Minnesota - Northern Iowa ('Dairyland') marketing area", called the marketing area, means the territory within the perimetric boundaries of the counties listed below, including all territory (Federal, State or municipal), installations, institutions, and other establishments:

MINNESOTA COUNTIES

Blue Earth.	Martin.
Brown.	Mower.
Cottonwood.	Nicollet.
Dodge.	Olmsted.
Faribault.	Redwood.
Fillmore.	Rice.
Freeborn.	Steele.
Goodhue.	Wabasha.
Houston.	Waseca.
Jackson.	Watonwan.
Le Sueur	Winona.

IOWA COUNTIES

Allamakee.	Mitchell.
Emmet.	Winnebago.
Howard.	Winneshiek.
Kossuth.	Worth.

§ 1061.7 Route.

"Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 1061.8 Plant.

"Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing, or other handling of milk or milk products. Under this definition any separate portion of a premises or facilities qualified under § 1061.9(b) used to receive, process, or otherwise handle milk shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 1061.9 Pool plants.

"Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section but not any plant withdrawn pursuant to paragraph (c) of this section, a plant of a handler exempted pursuant to § 1061.62 or the plant of a producer-handler: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk and an amount greater than is disposed of in the marketing area of another order issued pursuant to the Act during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing areas, is equal to 15 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or 20 percent or more of such total receipts in any of the months of July through December; or

(b) Any plant from which during any month 20 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is (1) delivered to plants which have qualified pursuant to paragraph (a) of this section: *Provided*, That up to half of such disposition may be delivered to other plants from which Class I milk is disposed of in the marketing area or to a plant regulated by any order issued pursuant to the Act, or (2) delivered to a governmentally owned and operated institution which disposes of Class I milk in this marketing area solely for use on its own premises or to its own facilities: *Provided*, That if such plant qualified pursuant to this paragraph in each of the immediately preceding months of August, September, and October, it shall be a pool plant through the following July: *And provided further*, That if member producer milk of a cooperative association is delivered as direct shipped milk to plants described in paragraph (a) or (b) of this section, any such deliveries by such cooperative association to such plants may be considered for purposes of this paragraph, as having been received first at a plant of such cooperative association.

(c) Upon notice by the handler in writing received by the market administrator, or postmarked, on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month: *Provided, however*, That any such plant withdrawn from pool plant status may not regain status prior to the next August 1 and then only by meeting the requirements set forth to the first proviso in paragraph (b) of this section in the manner of a plant qualifying for pool plant status for the first time.

§ 1061.10 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 and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1061.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) 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 from the farm at a pool plant; or

(b) Moved in accordance with the conditions of § 1061.44(c) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 1061.32, which milk shall be deemed to be received at such pool plant.

§ 1061.12 Producer milk.

"Producer milk" or "milk received from producers" means milk produced by one or more producers.

§ 1061.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s): *Provided*, That any cooperative association qualifying as a handler pursuant to this paragraph shall be, for the purposes of making payments pursuant to § 1061.83, the handler also with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s);

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool plant to a nonpool plant;

(c) Any cooperative association with respect to milk of its member producers delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to, or under the control of such cooperative association. The milk for which a cooperative association is a handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(e) Any person in his capacity as the operator of an other order plant from which during the month fluid milk products are either distributed on routes in the marketing area or shipped to a pool plant; or

(f) A producer-handler.

§ 1061.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 1061.15 Producer-handler.

"Producer-handler" means any person who both produced milk eligible for sale in fluid form as Grade A milk within the marketing area and is a handler and who receives no milk directly from the farms of other producers and not more than the lesser of 5,000 pounds of skim milk and butterfat from other handlers or an amount equivalent to 5 percent of his Class I utilization: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging or distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 1061.16 Other source milk.

"Other source milk" means all skim milk and butterfat:

(a) Other than that contained in producer milk or received from a pool plant(s); and

(b) Contained in products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

MARKET ADMINISTRATOR

§ 1061.20 Designation.

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

§ 1061.21 Powers.

The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 1061.22 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 an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 1061.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 1061.91;

(c) 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;

(d) Unless otherwise directed by the Secretary, publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 1061.30 or (2) made payments pursuant to §§ 1061.80, 1061.83, and 1061.85; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's reports and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(g) On or before the fifth working day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 1061.52, and the butterfat differential computed pursuant to § 1061.54(a) for the then current month, and the Class II price computed pursuant to § 1061.53 and the butterfat differential computed pursuant to § 1061.54(b) for the preceding month; and

(h) On or before the 15th day after the end of each month, mail to all handlers and make public announcement of the uniform price computed pursuant to § 1061.71.

(i) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1061.46(a)(5) and the corresponding step of § 1061.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest 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;

(j) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1061.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(k) 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

§ 1061.30 Monthly reports of receipts and utilization.

(a) On or before the 10th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 1061.13(a) shall report to the market administrator for the preceding month with respect to all milk and milk products except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other pool plants;

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product as described in § 1061.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1061.13 (d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk.

§ 1061.31 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

§ 1061.32 Reports as to producers and cooperative associations of producers.

On or before the last day of each month each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 1061.33 Records and facilities.

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 1061.34 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 written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1061.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received by each handler during each month which is required to be reported pursuant to § 1061.30 (a) and (b) shall be classified by the market administrator pursuant to the provisions of §§ 1061.41 through 1061.46.

§ 1061.41 Classes of utilization.

Subject to the conditions set forth in §§ 1061.42 through 1061.46, inclusive, 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 fluid form (except as provided in paragraph (b) (3) and (4) of this section) as milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream or milk drinks in metal containers hermetically sealed), cream (sweet or sour), including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream;

(2) In shrinkage assigned pursuant to § 1061.42(b)(1) of:

(i) Producer milk;

(ii) Plus skim milk and butterfat in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(iii) Plus skim milk and butterfat in bulk fluid form from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(iv) Less skim milk and butterfat transferred in bulk fluid form to other order plants; and

(3) Not accounted for as Class II milk.

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

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, cheese, cottage cheese, sterilized milk and milk products in hermetically sealed cans, ice cream and frozen dessert, bakery products, meat products, prepared foods in hermetically sealed metal containers, prepared foods in any dry or nonfluid form, and animal feed.

(2) Skim milk and butterfat stored in a public cold storage warehouse as frozen cream;

(3) Skim milk and butterfat contained in any item included under paragraph (a) of this section disposed of as animal feed;

(4) Skim milk represented by the nonfat milk solids added to a Class I product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition; and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1061.42(b)(2).

§ 1061.42 Shrinkage.

The market administrator shall determine, for each handler, shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each of such handler's pool plants separately; and

(b) Prorate the resulting amounts between the recipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid products specified in § 1061.41(a)(2); and

(2) Other source milk exclusive of that specified in § 1061.41(a)(2).

§ 1061.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1061.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1061.46(a)(5) and the corresponding step of (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1061.46(a)(2), the skim milk and butterfat so transfered shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1061.46(a) (4) or (5) and the corresponding steps of § 1061.46(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 in fluid form from a pool plant to a producer-handler;

(c) As Class I milk if moved to a nonpool plant by a cooperative association directly from the farm of the producer and the nonpool plant is one from which milk is disposed of in fluid form on routes;

(d) As Class I milk, if transferred to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located outside the marketing area;

(e) As Class I milk, if transferred in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is not outside the marketing area, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring 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 § 1061.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

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

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

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

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

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

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

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

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

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

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

(6) If the form in which any fluid products is transferred to an other order plant is not defined under such other order, classification shall be in accordance with the provisions of § 1061.41.

§ 1061.45 Computation of milk in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition by a handler in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 1061.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 1061.45, the market administrator shall determine the classification of producer milk for each handler as follows:

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

(1) Subtract from the pounds of skim milk in each class, the pounds of skim milk in fluid products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

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

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

(i) Other source milk in nonfluid form;

(ii) Receipts of milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid products from a producer-handler, as defined under this or any other Federal order;

(3) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1061.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

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

(4) 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 products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(i) of this paragraph;

(5) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid 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 (3)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1061.22(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

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

(6) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid products from other pool plants according to the classification assigned pursuant to § 1061.44(a);

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

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

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

MINIMUM PRICES

§ 1061.50 Class prices.

Each handler shall pay, at the time and in the manner set forth in §§ 1061.80 through 1061.83, not less than the prices set forth in §§ 1061.52 and 1061.53 for all milk received during each month from producers and cooperative associations: *Provided*, That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 1061.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1061.52 Class I price.

Subject to the differentials provided in § 1061.54(a), the price per hundredweight for Class I milk each month shall be the amount computed pursuant to § 1068.53 (the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area).

§ 1061.53 Class II price.

The price per hundredweight for Class II milk shall be the basic formula price.

§ 1061.54 Butterfat differentials to handlers.

If the average butterfat content of the Class I milk or Class II milk, computed pursuant to § 1061.46(c), for any handler for the month is more or less than 3.5 percent, there shall be added to, or subtracted from, the applicable class price per hundredweight, computed pursuant to §§ 1061.52 and 1061.53 for each one-tenth of 1 percent that the average butterfat content of such class is above or below 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk*. To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the preceding month, add 15 percent and divide the sum obtained by 10.

(b) *Class II milk*. To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the month, add 15 percent, and divide the sum obtained by 10.

§ 1061.55 Equivalent price provisions.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 1061.60 Application to producer-handlers.

Sections 1061.40 through 1061.46, 1061.50 through 1061.55, 1061.62 through 1061.64, 1061.70 through 1061.72, 1061.80 through 1061.87, and 1061.90 through 1061.93 shall not apply to the handling of milk by producer-handlers.

§ 1061.61 Producer-handlers.

Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 1061.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 1061.62 Milk under more than one Federal order.

Milk received at a plant qualified as a pool plant under § 1061.9(a) shall be exempt from the provisions of this order if the conditions of paragraphs (a) and (b) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 1061.33:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the Act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Dairyland marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 1061.63 Butterfat in fluid skim milk.

A handler may claim, for classification purposes, pursuant to §§ 1061.40 through 1061.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products, by specifying the butterfat content of such skim milk in his report for the month filed pursuant to § 1061.30(a), or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.065 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler at any time after discontinuing the accounting of butterfat in skim milk desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the month during which such change shall become effective.

§ 1061.64 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1061.30(b) and 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 § 1061.70 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 an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1061.70(d) and a credit in the amount specified in § 1061.83(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1061.30(b) a similar report 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 § 1061.9(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

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

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

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1061.71 at the same location or at the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1061.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association), as computed pursuant to § 1061.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1061.46(a)(7) and the corresponding step of § 1061.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(2) and the corresponding step of § 1061.46(b); and

(d) Add the value at the Class I price of the skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(4) and the corresponding step of § 1061.46(b).

§ 1061.71 Computation of uniform price.

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

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to § 1061.30 for the month and who made the payments pursuant to §§ 1061.80 and 1061.83 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (d) 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 § 1061.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

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

(1) The total hundredweight of producers' milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1061.70(d); and

(e) 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.

§ 1061.72 Notification of handlers.

On or before the 15th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 1061.46 and 1061.70, and the totals of such amounts and values;

(b) The uniform price computed to § 1061.71;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The amounts to be paid by each handler pursuant to §§ 1061.80, 1061.83, 1061.85, 1061.90, 1061.91, and 1061.92.

PAYMENTS FOR MILK

§ 1061.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 11th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, at not less than the applicable class prices for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided*, That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 20th day after the end of such month, at not less than the uniform price computed pursuant to § 1061.71, subject to the butterfat differential set forth in § 1061.81 and less the amount of payment made pursuant to paragraph (c) of this section.

(c) Handlers (other than cooperative associations) shall make partial payments to producers and cooperative associations pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th day of each month, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, at not less than the applicable uniform price computed pursuant to § 1061.71(e) for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the applicable Class I price for the current month pursuant to § 1061.52 for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producers' farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat differential pursuant to § 1061.81.

§ 1061.81 Butterfat differential to producers.

The uniform price pursuant to § 1061.71 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1061.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

§ 1061.82 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 §§ 1061.64, 1061.83, and 1061.85 and out of which he shall make all payments due handlers pursuant to §§ 1061.84 and 1061.85: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1061.83 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association or caused to be delivered to such handler from the farms of producers for the account of such cooperative association shall not relieve the transferee handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1061.80 through 1061.92, inclusive:

(a) The net pool obligation computed pursuant to § 1061.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1061.80; 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 price) with respect to other source milk for which a value is computed pursuant to § 1061.70(d).

§ 1061.84 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1061.82, to each handler the amount, if any, by which the amount computed pursuant to § 1061.83(b) exceeds the amount computed pursuant to § 1061.83(a).

§ 1061.85 Adjustments to payments.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1061.83 the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1061.80, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1061.86 Statement to producer.

In making payment to individual producers as required by § 1061.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer;

(c) The minimum rate at which payment to the producer is required pursuant to § 1061.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 1061.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 1061.90 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 four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1061.46(a) (2) and (4) and the corresponding steps of § 1061.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1061.91 Marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payment to producers (other than himself) pursuant to § 1061.80, shall make a deduction of 6 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 1061.92 Adjustment of overdue accounts.

Any balance of payment due from a handler pursuant to §§ 1061.80 (a) and (b), 1061.83, and 1061.85, and this section for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased four-tenths of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid.

§ 1061.93 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the Act or before a court.

(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 (c) and (d) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1061.94 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.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1061.100 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 § 1061.101.

§ 1061.101 Suspension or termination.

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

§ 1061.102 Continuing power and duty of the market administrator.

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

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

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

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

§ 1061.103 Liquidation after suspension or termination.

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

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on June 14, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-7241; Filed, June 18, 1968; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

Hop Drying Industry

It is proposed that the hop drying industry, as defined below, be found to be an industry of a seasonal nature within the meaning, and under the authority, of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)) as amended by the Fair Labor Standards Amendments of 1966 (Public Law 89-601). It is further proposed that this industry be found to be engaged in the handling, packing, storing, preparing, first processing or canning of perishable agricultural or horticultural commodities in their raw or natural state within the meaning and under the authority of section 7(d) of the same Act and Amendments. This proposal is made under the further authority of Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004) and Secretary's Order No. 19-67 (32 F.R. 12980).

For the purposes of this proposal, the hop drying industry is defined as the receiving, picking, and drying of hops and any operations necessary or incidental to the foregoing including the curing, compressing, and baling of hops when performed at the hop drying establishment during the hop drying period.

Adoption of this proposal would result in listing the industry in § 526.12 of 29 CFR Part 526 and would provide the exemptions described in detail in that section. Definitions of terms used in this proposal and the procedure for considering it are also provided in Part 526 (as revised Apr. 11, 1967, 32 F.R. 5775).

Any person interested in this proposal may present written data, views, or argument to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after it appears in the FEDERAL REGISTER.

Signed at Washington, D.C. this 13th day of June 1968.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 68-7200; Filed, June 18, 1968; 8:45 a.m.]

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

Mint Oil Distilling Industry

It is proposed that the mint oil distilling industry, as defined below, be found to be an industry of a seasonal nature within the meaning, and under the authority, of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)) as amended by the Fair Labor Standards Amendments of 1966 (Public Law 89-601). It is further proposed that this industry be found to be engaged in the handling, packing, storing, preparing, first processing or canning of perishable agricultural or horticultural commodities in their raw or natural state within the meaning and under the authority of section 7(d) of the same Act and Amendments. This proposal is made under the further authority of Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004) and Secretary's Order No. 19-67 (32 F.R. 12980).

For the purposes of this proposal, the mint oil distilling industry is defined as the distilling of mint oil from mint hay, including any operations necessary or incidental thereto.

Adoption of this proposal would result in listing the industry in § 526.12 of 29 CFR Part 526 and would provide the exemptions described in detail in that section. Definitions of terms used in this proposal and the procedure for considering it are also provided in Part 526 (as revised Apr. 11, 1967, 32 F.R. 5775).

Any person interested in this proposal may present written data, views, or argument to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after it appears in the FEDERAL REGISTER.

Signed at Washington, D.C., this 13th day of June 1968.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 68-7201; Filed, June 18, 1968; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. U-5338]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934 as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those lands administered by the Bureau of Land Management within the following described areas in Uintah County, Utah:

SALT LAKE MERIDIAN, UTAH

A. That area bounded on the east by the Utah-Colorado State line and the Dinosaur National Monument; on the south by the Uintah-Grand County line, on the west by the Uintah and Ouray Indian Reservation, on the north by the Ashley National Forest and a line extending southeasterly from the northwest corner of lot 4, sec. 7, T. 2 S., R. 23 E., on said forest boundary, to the north quarter corner of sec. 11, T. 3 S., R. 25 E. (on the boundary of the Dinosaur National Monument); excepting therefrom the public lands in the following described tracts:

T. 4 S., R. 21 E.,
 Secs. 30 and 31.
T. 4 S., R. 22 E.,
 Sec. 17, S½NW¼, N½SW¼, SE¼SW¼.
T. 5 S., R. 21 E.,
 Secs. 4, 5, 9, 15, 22 through 26.
T. 5 S., R. 22 E.,
 Secs. 19, 20, 22, 23, 25 through 27, 31, and 32.
T. 5 S., R. 23 E.,
 Secs. 4, 21, 28 (west of Green River).
T. 6 S., R. 23 E.,
 Sec. 5 (west of Green River).
T. 7 S., R. 19 E.,
 Sec. 1.
T. 7 S., R. 20 E.,
 Secs. 5, 6, 15, 19 through 21, 26, 28 through 31, 33, and 35.
T. 8 S., R. 20 E.,
 Secs. 3 through 6, 8 through 10, and 17.

B. Also that area bounded on the south by the Naval Oil Shale Reserve No. 2, on the west and north by the Green River and on the east by the Unitah and Ouray Indian Reservation. The area is depicted on official records and maps in the Bureau of Land Management state office, Federal Building, 125 South State Street, Salt Lake City, Utah, and the Vernal district office, Vernal, Utah.

The public lands here proposed for classification aggregate approximately 1,252,224 acres.

3. The following public lands, of those here proposed for classification, are further segregated as indicated:

A. The lands described below are segregated from all forms of appropriation, including the general mining laws but not the mineral leasing laws. Livestock grazing will be excluded.

VERNAL WATERSHED

T. 3 S., R. 20 E.,
 Sec. 1, all;
 Sec. 12, N½NE¼.
 721 acres.

BOOKCLIFFS NATURAL AREA

T. 15 S., R. 25 E.,
 Sec. 17, SW¼;
 Sec. 18, E½SE¼;
 Sec. 19, E½NE¼;
 Sec. 20, N½NW¼.
 400 acres.

B. The lands described below are segregated from all forms of appropriation, including the general mining laws but not the mineral leasing laws:

NATIONAL PARK SERVICE ROAD

A strip of land 1,000 feet wide in T. 4 S., Rs. 24 and 25 E., and T. 5 S., Rs. 24 and 25 E. (this is along National Park Service proposed and existing road). Approximately 1,694 acres.

DRY FORK PICNIC SITE

T. 3 S., R. 20 E.,
 Sec. 5, SW¼SW¼;
 Sec. 6, E½SE¼;
 Sec. 8, NW¼NW¼.
 160 acres.

SHINDY HOLLOW PICNIC SITE

T. 3 S., R. 20 E.,
 Sec. 26, NE¼NE¼.
 40 acres.

ASHLEY CREEK RECREATION SITE

T. 3 S., R. 21 E.,
 Sec. 18, lots 1, 2, and 3.
 129 acres.

DIAMOND MOUNTAIN PICNIC SITE

T. 2 S., R. 23 E.,
 Sec. 33, SE¼SE¼.
 40 acres.

LITTLE MOUNTAIN OVERLOOK

T. 3 S., R. 20 E.,
 Sec. 28, E½NW¼NW¼, W½NE¼NW¼.
 40 acres.

PINE RIDGE PICNIC SITE

T. 3 S., R. 19 E.,
 Sec. 1, S½SW¼SE¼;
 Sec. 12, NW¼NE¼, N½S½NW¼.
 100 acres.

LITTLE MOUNTAIN PICNIC SITE

T. 3 S., R. 20 E.,
 Sec. 17, SE¼NW¼.
 40 acres.

BRUSH CREEK OVERLOOK

T. 3 S., R. 22 E.,
 Sec. 4, NW¼SW¼.
 40 acres.

FLOWING WELL OVERLOOK

T. 3 S., R. 21 E.,
 Sec. 28, SW¼NW¼.
 40 acres.

FLOWING WELL CAMPGROUND

T. 3 S., R. 21 E.,
 Sec. 28, NW¼SE¼.
 40 acres.

MOONSHINE ARCH

T. 3 S., R. 21 E.,
 Sec. 15, NW¼SE¼.
 40 acres.

POINT OF PINES RECREATION SITE

T. 5 S., R. 25 E.,
 Sec. 21, NW¼SW¼;
 Sec. 20, N½SE¼, N½S½SE¼, SW¼SW¼SE¼, S½SW¼, S½NE¼SW¼;
 Sec. 29, NW¼, W½W½NE¼.
 470 acres.

BLUE MOUNTAIN INDIAN WRITINGS

T. 4 S., R. 25 E.,
 Sec. 26, N½NW¼.
 80 acres.

DOC'S VALLEY OVERLOOK

T. 4 S., R. 25 E.,
 Sec. 30, S½SE¼, SE¼SW¼;
 Sec. 31; N½NE¼, NE¼NW¼.
 240 acres.

SPLIT MOUNTAIN OVERLOOK

T. 4 S., R. 25 E.,
 Sec. 20, SW¼NW¼.
 40 acres.

WILLOW CREEK OVERLOOK

T. 11 S., R. 21 E.,
 Sec. 19, SE¼SE¼;
 Sec. 20, W½SW¼SW¼;
 Sec. 30, E½NE¼NE¼.
 80 acres.

PINE SPRINGS CAMPGROUND

T. 14 S., R. 23 E.,
 Sec. 30, SW¼SE¼.
 40 acres.

P.R. SPRINGS CAMPGROUND

T. 15 S., R. 23 E.,
 Sec. 36, SE¼SE¼.
T. 15 S., R. 24 E.,
 Sec. 31, lot 4.
T. 15½ S., R. 24 E.,
 Sec. 33, lot 4.
 113 acres.

C. All public land within the following described area will be excluded from livestock grazing:

BONANZA TOWNSITE

T. 9 S., R. 24 E.,
 Sec. 23, E½, E½W½;
 Sec. 24, W½W½.
 345 acres.

4. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit

comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box F, Vernal, Utah 84078, or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

5. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management district office at Vernal and the State Office, 125 South State Street, Salt Lake City, Utah.

6. A public hearing on the proposed classification will be held June 27, 1968, at 8 p.m. in the courtroom of the Uintah County Courthouse, Vernal, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-7245; Filed, June 18, 1968; 8:49 a.m.]

[Utah 5702; Utah 5733]

UTAH

Order Openings Lands to Application, Entry, and Patenting

JUNE 12, 1968.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 12 N., R. 9 W.,
Sec. 17, N½.
T. 13 N., R. 10 W.,
Sec. 22, NE¼, E½NW¼, N½SE¼.
T. 12 N., R. 16 W.,
Sec. 29, S½;
Sec. 32, all.

The areas described aggregate 1,600 acres.

2. All the lands are located in Box Elder County. The lands in secs. 17 and 22 are located about 17 and 15 miles southwest of Snowville, Utah, respectively. The lands in secs. 29 and 32 are about 25 miles southwest of Park Valley. They are semiarid in character and not suitable for agriculture. These lands have value for grazing and recreation, which can best be managed under principles of multiple use.

3. The United States did not acquire any mineral rights with the lands.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on July 15, 1968, be opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on July 15, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-7204; Filed, June 18, 1968; 8:46 a.m.]

Office of the Secretary

IMPORTS INTO PUERTO RICO OF CRUDE OIL AND UNFINISHED OILS

Maximum Level of Imports

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended, for the allocation period January 1, 1968, through December 31, 1968, a maximum level of imports of crude oil and unfinished oils into Puerto Rico by holders of allocations made pursuant to paragraph (c) of section 15 of Oil Import Regulation 1 (Revision 5) is established at 80,000 B/D.

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended, for the allocation period April 1, 1968, through March 31, 1969, the maximum level of imports of crude oil and unfinished oils into Puerto Rico by holders of allocations made pursuant to paragraph (a) of section 15 which was established April 1, 1968 (33 F.R. 5469) as 176,964 B/D is hereby reduced to 146,964 B/D. Commensurate with this reduced level, the 142,488 B/D previously allocated to Commonwealth Oil Refining Co., Inc., is hereby reduced to 112,488 B/D. The allocation, previously made and published (33 F.R. 5469) to Gulf Oil Corp. and to W. R. Grace & Co. remain at 33,711 B/D and 765 B/D, respectively.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 12, 1968.

[F.R. Doc. 68-7205; Filed, June 18, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BOARD OF TRADE OF CITY OF CHICAGO

Order Designating as Contract Market for Choice Live Steers Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1-17b), I hereby designate the Board of Trade of the City of Chicago, Chicago, Ill., as a contract market for choice live steers, effective June 18, 1968. The said board of trade has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the order issued by the Secretary of Agriculture on May 3, 1923, designating said board of trade as a contract market under the provisions of the Grain Futures Act (42 Stat. 998), together with the orders issued by the Secretary of Agriculture on September 14, 1936, November 26, 1940, June 30, 1950, and August 22, 1951, under the provisions of the Commodity Exchange Act (formerly cited as the Grain Futures Act), as amended, designating said board of trade as a contract market for the commodities specified in such orders, shall constitute a single designation.

Issued this 13th day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7208; Filed, June 18, 1968; 8:46 a.m.]

CHICAGO MERCANTILE EXCHANGE

Order Designating as Contract Market for Live Hogs, Live Beef Cattle, and Frozen Pork Bellies Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1-17b), I hereby designate the Chicago Mercantile Exchange, of Chicago, Ill., as a contract market for live hogs, live beef cattle, and frozen pork bellies, effective June 18, 1968. The said exchange has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, and August 22, 1955, designating the said exchange as a contract market for the commodities specified in such orders, shall constitute a single designation.

Issued this 13th day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7209; Filed, June 18, 1968; 8:46 a.m.]

COMMODITY EXCHANGE, INC.

Order Designating as Contract Market for Cattle Hides Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1-17b), I hereby designate the Commodity Exchange, Inc., of New York, N.Y., as a contract market for cattle hides, effective June 18, 1968. The said exchange has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act.

Issued this 13th day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7210; Filed, June 18, 1968; 8:46 a.m.]

OHIO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Ohio, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

Allen.	Lucas.
Ashland.	Madison.
Ashtabula.	Marion.
Auglaize.	Mercer.
Brown.	Miami.
Butler.	Montgomery.
Champaign.	Morrow.
Clark.	Ottawa.
Clinton.	Paulding.
Coshocton.	Perry.
Darke.	Pickaway.
Defiance.	Pike.
Delaware.	Preble.
Erie.	Putnam.
Fairfield.	Richland.
Fayette.	Ross.
Franklin.	Sandusky.
Fulton.	Seneca.
Greene.	Shelby.
Hancock.	Union.
Hardin.	Van Wert.
Henry.	Warren.
Highland.	Wayne.
Huron.	Williams.
Knox.	Wood.
Licking.	Wyandot.
Logan.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of June 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7211; Filed, June 18, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 18]

OFFICE OF PROGRAM PLANNING

Organization and Functions

The following order was issued by the Secretary of Commerce on June 7, 1968.

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of Program Planning and to prescribe its functions.

SEC. 2. *General.* The Office of Program Planning is hereby established as a Departmental staff office within the Office of the Secretary. The Office of Program Planning shall be headed by a Director who shall report and be responsible to the Secretary of Commerce.

SEC. 3. *Functions.* The Director, Office of Program Planning, shall be the principal adviser to the Secretary of Commerce on program planning functions throughout the Department. The Office of Program Planning shall perform the following functions necessary to the continued development and implementation of program planning in the Department, including, but not limited to, the Planning-Programing-Budgeting (PPB) System:

a. Develop and recommend long-range goals and objectives for the Department as a whole, to serve as the framework within which component plans and programs will be developed and carried out;

b. Develop and promulgate guidelines for effective planning and program analysis within the Department;

c. Provide staff leadership in the design and conduct of PPB studies and analyses within the Department;

d. Participate in the identification of major issues and problems to be covered by Program Memoranda and Special Analytical Studies;

e. Develop procedures and instructions necessary to implement assigned functions, and serve as the point of coordination and control on related planning and programing assignments;

f. Review plans and programs in terms of their effectiveness in achieving the Department's objectives;

g. Conduct studies to evaluate alternative means of achieving the Department's objectives;

h. Review and evaluate the Department's PPB structure and recommend modifications to the Secretary as necessary to meet changing conditions;

i. Participate in the review of legislative and budgetary proposals affecting the Department's plans and programs;

j. Participate with other Departmental staff offices in the development of management information and reporting systems necessary to provide managers with data on the status and effectiveness of plans and programs; and

k. Participate in the development of a Department-wide training program to improve the professional skills of employees assigned PPBS functions and responsibilities.

SEC. 4. *Relationships.* The activities of the Office shall be carried out in close coordination with related activities of the Program Secretarial Officers, the General Counsel, and the Assistant Secretary for Administration, and shall utilize the various capabilities of their staffs whenever possible.

The Office shall act as the Department's liaison with the Bureau of the Budget and other agencies on program planning matters.

Effective date: June 7, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-7190; Filed, June 18, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OXYTOCIN SOLUTION FOR NASAL SPRAY

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has reviewed and evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Syntocinon nasal spray (oxytocin solution equivalent to 40 U.S.P. posterior pituitary units per milliliter), marketed by Sandoz, Inc., Hanover, N.J. 07936.

The Food and Drug Administration concurs in the conclusion of the Academy that this drug has been shown to be effective only for the indication "initial milk letdown."

A supplemental new-drug application is invited to revise the labeling provided for in the new-drug application for this drug to limit the claims and present the conditions of use substantially as follows:

Action. Oxytocin acts specifically on the myoepithelial elements surrounding the alveoli of the breast, causing them to contract and thus force milk into the larger ducts where it is more readily available to the baby.

Indication. Initial milk letdown.

Contraindications. Pregnancy; hypersensitivity.

Dosage and administration. One spray into one or both nostrils 2 to 3 minutes before nursing or pumping of breasts.

NOTE: The squeeze bottle should be held in upright position when administering drug to the nose and patient should be in a sitting position rather than lying down. If preferred the solution can be instilled in drop form by inverting the squeeze bottle and exerting very gentle pressure on its walls.

The holder of the new-drug application for the subject drug has been mailed a copy of the NAS–NRC report together with a copy of the labeling conditions in this announcement. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the drug listed in this announcement or any other interested person may obtain a copy of the NAS–NRC report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

Written comments regarding this announcement may be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This statement is issued pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–53, as amended, 1055; 21 U.S.C. 352, 355, 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 7, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-7218; Filed, June 18, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-320]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License

Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application and amendment, dated April 22, 1968, and May 22, 1968, respectively, for authorization to construct and operate a pressurized water nuclear reactor on the applicant's approximately 800-acre Oyster Creek site located in Lacey Township, Ocean County, N.J., approximately 2 miles south of the community of Forked River.

The proposed reactor, designated by the applicant as the Oyster Creek Nuclear Generating Station Unit No. 2, will be located adjacent to the existing Oyster Creek Nuclear Generating Station Unit No. 1. Unit No. 2 is designed for initial operation at approximately 2,452 thermal megawatts with a net electrical output of approximately 810 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

Dated at Bethesda, Md., this 11th day of June 1968.

For the Atomic Energy Commission.

S. LEVINE,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 68-7189; Filed, June 18, 1968; 8:45 a.m.]

[Docket No. 50-128]

TEXAS A&M UNIVERSITY

Notice of Proposed Issuance of Construction Permit and Amended Facility License

The Atomic Energy Commission is considering the issuance to Texas A&M University of a construction permit, substantially as set forth below, which would authorize the installation of a modified TRIGA type nuclear reactor core as a replacement for the present core and authorize modifications to the present control system in the existing reactor located on the University's Nuclear Science Center near College Station, Tex.

Upon completion of the installation of the facility in compliance with the terms and conditions of the construction permit, and in the absence of good cause to the contrary, the Commission will issue to the University without further prior notice an amended facility license, substantially as set forth below, authorizing operation of the reactor at steady-state power levels up to 1 megawatt.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to these proposed issuances, see (1) the application dated October 9, 1967, and amendments thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of June 1968.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated October 9, 1967, and amendments thereto dated December 15, 1967, and April 13, 1968 (hereinafter "the application"), Texas A&M University requested authority to install a modified TRIGA type nuclear reactor core and to modify the control system in the Nuclear Science Center Reactor located on the University's Nuclear Science Center near College Station, Tex. The modified reactor (hereinafter "the reactor") will replace the reactor previously operated under Facility License No. R-83, as amended.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. Texas A&M University is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR;

E. Texas A&M University and its contractor, the Gulf General Atomic Inc., are technically qualified to design and construct the reactor;

F. Texas A&M University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to Texas A&M University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR Part 50 "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Texas A&M University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is July 15, 1968. The latest completion date of the facility is December 31, 1968. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed in the reactor facility located on the Nuclear Science Center near College Station, Tex.

C. The applicant is authorized in the construction of the reactor to insert into the reactor for alignment and testing purposes one instrumented fuel element and five fuel-bearing control elements (subject to issuance of an appropriate Part 70 license for the possession of the fuel).

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue an amended Class 104 license to Texas A&M University pursuant to section 104 of the Act, which shall expire at midnight, August 4, 1979.

Dated:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-83; Amendment No. 3]

PROPOSED AMENDMENT TO LICENSE

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-______ and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. Texas A&M University is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. Texas A&M University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

License No. R-83, as amended, is amended in its entirety, effective as of the date of issuance of this amendment, to read as follows:

1. This license applies to Texas A&M University Nuclear Science Center Reactor with the installed TRIGA nuclear core and control system (hereinafter, "the reactor"), owned by Texas A&M University, and located on the Nuclear Science Center near College Station, Tex., and described in the licensee's application for license dated October 9, 1967, and subsequent amendments thereto (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Texas A&M University (hereinafter "the licensee"):

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess, and use up to 4.5 kilograms of contained uranium-235 in connection with operation of the reactor, and to possess and store 6.1 kilograms of contained uranium-234 in MTR type fuel elements; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, possess and use in connection with operation of the reactor a 20-curie encapsulated polonium-beryllium neutron source and a 3-curie encapsulated americium-beryllium neutron source, and to possess but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, section 30.34 of Part 30, sections 50.54 and 50.59 of Part 50, and section 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum Power Level.* The licensee may operate the reactor at steady-state power levels up to a maximum of 1000 kilowatts (thermal).

B. *Technical Specifications.* The Technical Specifications contained in Appendix "A" hereto are hereby incorporated in this license. The licensee shall operate the reactor in accordance with these Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdown.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under the license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) As promptly as practicable, but no later than sixty (60) days after the initial criticality of the reactor, the licensee shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(a) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(b) Total control rod reactivity worth;

(c) Minimum shutdown margin both at room and operating temperatures;

(d) Maximum worth of the single control rod of highest reactivity value; and

(e) Maximum total and individual reactivity worth of any fixed or movable experiments inserted in the reactor.

(3) The licensee shall report to the Director, DRL in writing within thirty (30) days of its occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(4) The licensee shall report to the Director, DRL in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the Safety Analysis Report.

4. This license shall expire at midnight, August 4, 1979.

For the Atomic Energy Commission.

Attachment: Appendix "A" [1]

Date of issuance:

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-7292; Filed, June 18, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19855]

ACQUISITION OF LOS ANGELES AIRWAYS, INC., BY WESTGATE-CALIFORNIA CORP.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in the above-entitled matter now assigned to be held on June 20, 1968, is hereby postponed to July 16, 1968, at 10 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 13, 1968.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 68-7221; Filed, June 18, 1968; 8:47 a.m.]

[Docket No. 19934]

CHINA AIRLINES, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 27, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert M. Johnson.

Dated at Washington, D.C., June 13, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-7222; Filed, June 18, 1968; 8:47 a.m.]

[Docket No. 19921; Order No. E-26910]

FLORIDA AIR TAXI, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority June 12, 1968.

[1] This item was not filed with the office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

The Postmaster General filed a notice of intent May 29, 1968 pursuant to 14 CFR, Part 298, petitioning the Board to establish for the above captioned air taxi operator, final service mail rates at the level of the current multielement rates for airmail and first-class mail set forth in Order E-25610, as amended, and Order E-17255,[1] as amended, for the transportation of mail by air between Gainesville and Jacksonville, Fla.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rates are acceptable to the Department and the carrier, and represent fair and reasonable rates of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states that the air taxi plans to initiate mail service with Beechcraft Model 18 aircraft.

Since no mail rates are presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid to Florida Air Taxi, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Gainesville and Jacksonville, Fla., shall be the levels of the current multielement rates for airmail and first-class mail as set forth in Order E-25610, as amended, and E-17255, as amended.

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Florida Air Taxi, Inc., Eastern Air Lines, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rates specified above, as the fair and reasonable rates of compensation to be paid to Florida Air Taxi, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Florida Air Taxi, Inc., Eastern Air Lines, Inc., and the Postmaster General.

This order will be published in the Federal Register.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-7223; Filed, June 18, 1968; 8:47 a.m.]

[1] Although the rates for nonpriority mail established by this order are now open, the Postmaster General has requested that the rates established therein be fixed as final rates for Florida Air Taxi.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

[Docket No. 19920; Order No. E-26907]

FLORIDA AIR TAXI, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 12, 1968.

The Postmaster General filed a notice of intent May 29, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 23.74 cents per great circle mile for the transportation of mail by aircraft between Panama City, Tallahassee, and Orlando, Fla., and between Pensacola, Tallahassee, and Jacksonville, Fla.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec C aircraft equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Florida Air Taxi, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Panama City, Tallahassee, and Orlando, Fla., and between Pensacola, Tallahassee, and Jacksonville, Fla., shall be 23.74 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Florida Air Taxi, Inc., Eastern Air Lines, Inc., National Airlines, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Florida Air Taxi, Inc.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Florida Air Taxi, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-7224; Filed, June, 18, 1968; 8:47 a.m.]

[Docket Nos. 19691, 19821; Order No. E-26922]

MOHAWK AIRLINES, INC., AND TRANS WORLD AIRLINES, INC.

Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of June 1968.

Application of Mohawk Airlines, Inc., Docket 19691; for amendment of its certificate of public convenience and necessity; application of Trans World Airlines, Inc., Docket 19821; under section 401 of the Federal Aviation Act of 1958, for amendment of its certificate of public convenience and necessity for Route No. 2.

By Order E-26535, March 18, 1968, the Board dismissed the application of Mohawk Airlines, Inc., Docket 19691, except insofar as that application requests authority to operate nonstop service between Hartford and Detroit and between Boston and Rochester and one-stop service between Boston and Detroit via an intermediate stop Rochester or Hartford only.[1]

Answers in support of Mohawk's application have been filed by the Boston Chamber of Commerce, the Detroit parties,[2] the Rochester Chamber of Commerce and the Massachusetts Port Authority. No answers in opposition were filed.[3]

Trans World Airlines, Inc., has filed a motion to consolidate its application in Docket 19821 which seeks nonstop authority between Boston and Detroit via Hartford. Answers in opposition to consolidation have been filed by American and Mohawk and TWA filed a reply to both answers.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting for hearing Mohawk's application in Docket 19691. We shall consolidate TWA's application in Docket 19821 only to the extent it seeks authority to operate Boston-Detroit one-stop service via Hartford. Section 302.1309 provides that motions to consolidate which request authority different from that requested in the original application shall be denied except when consolidation is required as a matter of law. There has been no showing that the grant of one-stop authority in this case to Mohawk would be sufficiently competitive with nonstop service to preclude, as a matter of economic fact, the subsequent award of nonstop authority. Accordingly, we shall deny TWA's motion to consolidate its application in Docket 19821, insofar as that application seeks Boston-Detroit nonstop authority which is different from the authority sought by Mohawk and is not required to be consolidated as a matter of law.

Accordingly, it is ordered, That:

1. The application of Mohawk Airlines, Inc., Docket 19691, be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter designated;

2. The application of Trans World Airlines, Inc., Docket 19821, be and it hereby is consolidated to the extent that it requests authority between Boston and Detroit via Hartford; and

3. The motion to consolidate the application of Trans World Airlines, Inc., Docket 19821, except insofar as it requests authority to operate Boston-Detroit one-stop service via Hartford, be and it hereby is denied and except to the extent consolidated herein, the application of Trans World Airlines, Inc., Docket 19821, be and it hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-7225; Filed, June 18, 1968; 8:48 a.m.]

[1] Mohawk requested that the Board process the application under the procedures set forth in Subpart M of Part 302 of the Board's procedural regulations. To the extent the application was not dismissed the provisions of Subpart M become applicable automatically.

[2] Detroit Aviation Commission, Board of County Road Commissioners of Wayne County, Greater Detroit Board of Commerce.

[3] Allegheny Airlines, Inc., filed a letter in lieu of an answer to reserve its rights as a party in the event of hearing.

[Docket No. 19914; Order No. E-26906]

SEDALIA, MARSHALL, BOONVILLE STAGE LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 12, 1968.

The Postmaster General filed a notice of intent May 27, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 29.1 cents per great circle mile for the transportation of mail by aircraft between Emporia, Topeka, and Wichita, Kans.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model—PA 23, twin-engine aircraft equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Emporia, Topeka, and Wichita, Kans., shall be 29.1 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Lines, Inc., Frontier Airlines, Inc., the Postmaster General and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

compensation to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Lines, Inc., Frontier Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-7226; Filed, June 18, 1968; 8:48 a.m.]

[Docket No. 19916; Order No. E-26909]

SEDALIA, MARSHALL, BOONVILLE STAGE LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 12, 1968.

The Postmaster General filed a notice of intent May 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 35.22 cents per great circle mile for the transportation of mail by aircraft between Hays, Salina, and Wichita, Kans.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model—PA 23, twin engine aircraft equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Hays, Salina, and Wichita, Kans., shall be 35.22 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Lines, Inc., Frontier Airlines, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Lines, Inc., Frontier Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-7227; Filed, June 18, 1968; 8:48 a.m.]

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[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that Part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

[Docket No. 19917; Order No. E-26908]

SEDALIA, MARSHALL, BOONVILLE STAGE LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 12, 1968.

The Postmaster General filed a notice of intent May 28, 1968, pursuant to 14 CFR, Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 29.4 cents per great circle mile for the transportation of mail by aircraft between Independence, Fort Scott, and Wichita, Kans.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states, the air taxi plans to initiate mail service with Piper Aztec, Model—PA 23, twin engine aircraft equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

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[1] As this order to show cause does not constitute a final action and merely affords ininterested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that Part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Independence and Wichita, Kans., via Fort Scott, Kans., shall be 29.4 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Lines, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordnace with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Lines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7228; Filed, June 18, 1968; 8:48 a.m.]

[Docket No. 19918; Order No. E-26905]

SEDALIA, MARSHALL, BOONVILLE STAGE LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority June 12, 1968.

The Postmaster General filed a notice of intent May 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 28.9 cents per great circle mile for the transportation of mail by aircraft between Colby, Dodge City, and Wichita, Kans.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model—PA 23, twin engine aircraft equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Colby and Wichita, Kans., via Dodge City, Kans., shall be 28.9 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Lines, Inc., Frontier Airlines, Inc., the Postmaster General and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Lines, Inc., Frontier Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7229; Filed, June 18, 1968; 8:48 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18206, 18207; FCC 68M-910]

FIRST ILLINOIS CABLE T.V., INC. AND RANTOUL CATV CO.

Order Scheduling Hearing

In re petitions by First Illinois Cable T.V., Inc., Springfield, Jerome, Leland Grove, Southern View, and Grandview, Ill., Docket No. 18206, File No. CATV 100-31; Rantoul CATV Co., a corporation, Rantoul, Ill., and the adjacent unincorporated territory, Docket No. 18207, File No. CATV 100-42; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Springfield-Decatur-Champaign Television Market (ARB 72).

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on August 5, 1968, at 10 a.m.; and that a prehearing conference shall be held on July 19, 1968, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 11, 1968.

Released: June 12, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-7238; Filed, June 18, 1968; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[21,847]

UNITED FINANCIAL CORPORATION OF CALIFORNIA AND UNITED SAVINGS AND LOAN ASSOCIATION OF CENTURY CITY

Notice of Intention To Acquire Fox Hills Savings and Loan Association

JUNE 13, 1968.

Whereas, United Financial Corporation of California (United Financial) Los Angeles, Calif., a savings and loan holding company, and United Savings and Loan Association of Century City (United Savings), South Gate, Calif., a wholly owned subsidiary of United Financial, intends to acquire Fox Hills Savings and Loan Association (Fox Hills), Culver City, Calif., pursuant to an agreement between United Financial and Fox Hills according to the terms of which United Savings will acquire the assets and assume the liabilities of Fox Hills; and

Whereas, § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4) requires that such acquiring companies obtain prior approval of the Federal Savings and Loan Insurance Corporation (Corporation) before accomplishing such an acquisition; and

Whereas, § 584.4(k) of the regulations for Savings and Loan Holding Companies (12 CFR 584.4(k)) requires that notice of the proposed acquisition be filed for publication in the FEDERAL REGISTER and with the appropriate state supervisory authority; and

Whereas, § 584.5 of the regulations for Savings and Loan Holding Companies (12 CFP. 584.4(k)) requires that 30 days (or a shorter period in exceptional circumstances) be allowed for the submission of written comments or views; and

Whereas, exceptional circumstances warranting a shorter period for the submission of written comments are deemed to exist:

Now, therefore, be it resolved That the Secretary to the Corporation is directed to file the following notice for publication in the FEDERAL REGISTER and with Dr. Preston Martin, Savings and Loan Commissioner, 3440 Wilshire Boulevard, Los Angeles, Calif. 90005:

Notice is hereby given that on May 10, 1968, the Federal Savings and Loan Insurance Corporation received the completed application from the United Financial Corporation of California, a savings and loan holding company, and of the United Savings and Loan Association of Century City, for permission to acquire Fox Hills Savings and Loan Association. The proposed acquisition is to be effected by the acquisition of the assets and assumption of the liabilities of Fox Hills by United Savings. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by June 24, 1968.

For the Federal Savings and Loan Insurance Corporation.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 68-7220; Filed, June 18, 1968; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

ITALY, SOUTH FRANCE, SOUTH SPAIN/U.S. GULF CONFERENCE (MED-GULF)

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, 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 petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to extend the geographic scope of exclusive patronage (dual rate) contract system filed by:

Mr. G. Ravera, Secretary, Med-Gulf Conference, Vico San Luca 4, 16123 Genova, Italy.

The Italy, South France, South Spain/U.S. Gulf Conference has filed an application pursuant to section 14b of the Shipping Act, 1916, for permission to (1) extend the present geographic scope of its existing exclusive patronage (dual rate) system to include Portuguese ports and modify its form of merchant's contract, and (2) change the name of the Conference to read "Italy, South France, South Spain, Portugual/U.S. Gulf Conference."

Dated: June 14, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-7243; Filed, June 18, 1968; 8:49 a.m.]

UNITED STATES ATLANTIC AND GULF-HAITI CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, 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 petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify approved dual rate contracts filed by:

Mr. C. D. Marshall, Chairman, 11 Broadway, New York, N.Y. 10004.

Notice of the application of nine conferences to modify their approved merchant's contracts by the addition of the phrase "currency devaluation by governmental action" to those conditions beyond the control of the conferences as outlined in Article 10(a) of the contracts pursuant to which the carriers in the trade covered by the agreements may suspend the effectiveness of the contract with respect to the operations affected with notice to merchant signatories, which was published in the FEDERAL REGISTER on June 5, 1968 in Volume 33-109 at page 8363, inadvertently listed two of the conferences as:

U.S. Atlantic & Gulf-Jamaica Conference (Agreement No. 8120, as amended).

U.S. Atlantic & Gulf-Jamaica Conference (Agreement No. 4610, as amended).

The listing should read as follows:

U.S. Atlantic & Gulf-Haiti Conference (Agreement No. 8120, as amended).
U.S. Atlantic & Gulf-Jamaica Conference (Agreement No. 4610, as amended).

Dated: June 14, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-7244; Filed, June 18, 1968; 8:49 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Summary of Deposits Statement

Pursuant to the provisions of sections 7(a) and 9 Eighth of the Federal Deposit Insurance Act, each insured bank is hereby directed to submit to the Federal Deposit Insurance Corporation on or before July 18, 1968, a report of its deposits as of the close of business June 29, 1968, on Form 89—Call No. 10 entitled "Summary of Deposits" and any supplements thereto [1] and said report shall be prepared in accordance with "Instructions for Preparation of Summary of Deposits, Form 89—Call No. 10 as of the close of business June 29, 1968." [1]

Dated this 11th day of April 1968.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 68-7213; Filed, June 18, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP66-6]

HOME GAS CO.

Notice of Proposed Rate Settlement

JUNE 12, 1968.

Take notice that on June 4, 1968, Home Gas Co. tendered for filing a proposal for the settlement of this proceeding which would result in reductions in the rates and charges now subject to refund in this proceeding. The proposed settlement rate reflect an annual reduction of approximately $665,000 in Home's revenues below the cost of service shown in support of its proposed rates which became effective subject to refund on November 1, 1965.

The reduced cost of service includes the flow-through of liberalized depreciation and in addition, the company proposes to make refunds to reflect such flow-through for the 10 months period commencing January 1, 1966. The settlement agreement also provides for the flow-through of supplier refunds and rate reductions commencing as of November 1, 1965, the date upon which the presently effective rates became effective subject to refund.

Copies of the proposed changes were served on all parties, customers, and interested State commissions. Comments on the aforementioned filing and the changes may be filed with the Commission on or before July 3, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7193; Filed, June 18, 1968; 8:45 a.m.]

[Docket No. RP66-5]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Proposed Rate Settlement

JUNE 12, 1968.

Take notice that on May 31, 1968, The Manufacturers Light and Heat Co. tendered for filing a proposal for the settlement of this proceeding which would result in reductions in the rates and charges now subject to refund in this proceeding. The proposed settlement reflects a jurisdictional cost of service approximately $3.9 million below that shown in support of its proposed rates which became effective subject to refund on November 1, 1965.

The reduced cost of service includes the flow-through of liberalized depreciation and in addition, the company proposes to make refunds to reflect such flow-through for the 10 months period commencing January 1, 1966. The settlement agreement also provides for the flow-through of supplier refunds and rate reductions commencing as of November 1, 1965, the date upon which the presently effective rates became effective subject to refund.

Copies of the proposed changes were served on all parties, customers, and interested State commissions. Comments on the aforementioned filing and the changes may be filed with the Commission on or before July 3, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7194; Filed, June 18, 1968; 8:45 a.m.]

[Docket No. CP68-335]

OHIO FUEL GAS CO.

Notice of Application

JUNE 12, 1968.

Take notice that on June 3, 1968, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP68-335 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and sale and delivery of natural gas in Turtle Creek Township, Warren County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that The Cincinnati Gas and Electric Co. (Cincinnati Gas) has requested Applicant to arrange for an additional point of delivery and to sell and deliver an additional 5,000 Mcf per day in its contract demand quantity and an increase of 5,000 Mcf per day in its winter service maximum daily quantity. Applicant states that the reason for the request is to enable Cincinnati Gas to serve a new market area. Applicant further states that this quantity requested by Cincinnati Gas can be furnished out of Applicant's existing entitlement from Texas Eastern Transmission Corp. (Texas Eastern).

In addition, Applicant requests authorization to construct and operate a tap on Texas Eastern's main line facilities, together with necessary measuring and regulating equipment and other appurtenances. Total estimated cost of these facilities is $40,000, which cost is to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 8, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7195; Filed, June 18, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below paragraph 2 of the Committee's authorization for system foreign currency operations, as amended by action taken at its meeting on March 14, 1968; by vote of all avail-

[1] Filed as part of original document.

able members (a majority) on March 16, 1968, ratified by action of the Committee at its meeting on April 2, 1968; and by vote of all available members (a majority) on March 17, 1968, ratified by action of the Committee at its meeting on April 2, 1968. All such amendments became effective on March 17, 1968.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, relations with foreign banks and bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	100
National Bank of Belgium	225
Bank of Canada	1,000
National Bank of Denmark	100
Bank of England	2,000
Bank of France	100
German Federal Bank	1,000
Bank of Italy	750
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	400
Bank of Norway	100
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
System drawings in Swiss francs	600
System drawings in authorized European currencies other than Swiss francs.	1,000

(NOTE.—For paragraph 1 of the authorization, see 33 F.R. 3665; for paragraph 3, see 33 F.R. 8470; for paragraphs 4 through 10, see 32 F.R. 9583.)

Dated at Washington, D.C., the seventh day of June 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-7203; Filed, June 18, 1968; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated June 10, 1968, reading in part as follows:

I have determined that the damage in Hill County, Tex., adversely affected by heavy rains and flooding beginning on or about May 7, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

Dated: June 12, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-7198; Filed, June 18, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 NY-6444]

POLLUTION DYNAMICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 13, 1968.

I. On November 22, 1967, Pollution Dynamics Corp. (Pollution Dynamics), 1225 Ridge Road West, Rochester, N.Y., filed a notification pursuant to Regulation A in connection with a proposed offering of 149,000 shares of its $0.05 par value common stock at $2 per share. The offering was to be conducted by the officers and directors of the company without an underwriter.

Pollution Dynamics is a New York corporation organized on September 13, 1967, and located at 1225 Ridge Road West, Rochester, N.Y. According to the offering circular, it proposes to engage in the development, manufacture and distribution of all types of equipment used to eliminate or control air and water pollution. Its primary business will be "the development of a smokeless incinerator which can be used as a disposal for waste, rubbish or similar material on a commercial basis".

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The failure to disclose that Louis Martino, a principal stockholder and director, has exercised and will continue to exercise control over the issuer and its affairs.

2. The offering circular is materially false and misleading in failing to disclose accurately and adequately the business experience and background of Louis Martino, a principal stockholder, director and controlling party, and the serious business reverses suffered by Louis Martino and companies which he controlled.

3. The failure to disclose accurately and adequately the terms and conditions of the transaction wherein Mr. Martino transferred to Pollution Dynamics Corp. all of his rights in and title to the smokeless incinerator, including the market research design rights and expenses incidental thereto, the consideration to be paid by the company, the obligation, if any, to be assumed by the company, and the liability to be assumed by the company with respect to working models of the smokeless incinerators which Mr. Martino built for other persons prior to such transfer.

4. The Statement of Assets contained in the issuer's offering circular lists as an asset a $3,277.32 item which is in fact worthless, rendering the financial statements false.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to name as affiliates, in Item 2(b) of the notification, Rochester Seamless Gutter Corp., Ravenswood Farms, Inc., and Terra Developers, Inc., all of which are under the control of Louis Martino, principal stockholder and director of Pollution Dynamics.

2. The issuer has failed to disclose in Item 9(a) of the notification, all transactions whereby it issued unregistered securities during the year preceding the filing of the notification;

3. The issuer offered its securities without delivering a copy of an offering circular containing the information required in Schedule 1 of Form 1-A in violation of Rule 256(a)(1); and,

4. The issuer in causing a newspaper article to be published exceeded the limitations prescribed by Rule 256(c) and Rule 258.

C. The offering would be in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7206; Filed, June 18, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41362—*Concrete reinforcing bars to Tampa, Fla.* Filed by O. W. South, Jr., agent (No. A6022), for interested rail carriers. Rates on concrete reinforcing bars, in carloads, minimum weight 140,000 pounds, from East St. Louis, Ill., to Tampa, Fla.

Grounds for relief—Rate relationship.

Tariff—Supplement 142 to Southern Freight Association, agent, tariff ICC S-502.

FSA No. 41363—*Crude phosphate rock to Courtright, Ontario, Canada.* Filed by O. W. South, Jr., agent (No. A6023), for interested rail carriers. Rates on crude phosphate rock (other than ground phosphate rock), in multiple carload shipments of 1,500 net tons, from specified producing points in Florida, to Courtright, Ontario, Canada.

Grounds for relief—Rail-water competition.

Tariff—Supplement 54 to Southern Freight Association, agent, tariff ICC S-658.

FSA No. 41364—*Petroleum and petroleum products to Illinois Freight Association and Western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-9091), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank carloads, from points in southwestern and mid-continent territories, to points in Illinois Freight Association and western trunkline territories.

Grounds for relief—Rate relationship.

Tariffs—Supplements 35, 485, and 11 to Southwestern Freight Bureau, agent, tariffs ICC 4714, 4279, and 4758, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7230; Filed, June 18, 1968; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 14, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4485 (Sub-No. 3), filed April 16, 1968. Applicant: WAVERLY TRANSFER COMPANY, INC., 111 Tredco Drive, Nashville, Tenn. 37211. Applicant's representative: Robert H. Cowan, 500 Court Square Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, serving Lakewood Village as an off-route point in connection with its regular route operation. Both intrastate and interstate authority sought.

HEARING: Monday, July 22, 1968, at 9:30 a.m., Tennessee Public Service Commission, C-1-110 Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 8683-A filed May 29, 1968. Applicant: DAKOTA TRANSFER CO., 916 South 12th Street, Aberdeen, S. Dak. Applicant's representative: J. R. Scoggin, 760 Grain Exchange Building, Minneapolis, Minn. 55415. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *grain, soybeans, and flaxseed*, over irregular routes to, from and between Groton, Turton, and Ferney, S. Dak., on the one hand, and Aberdeen and Conde, S. Dak., on the other. Both intrastate and interstate authority sought.

HEARING: Monday, July 8, 1968, at 1:30 p.m., c.d.t., South Dakota Public Utilities Commission, Capitol Building, Pierre, Hughes County, S. Dak. 57501. Requests for procedural information including the time for filing protests concerning this application should be addressed to the South Dakota Public Utilities Commission, Capitol Building, Pierre, S. Dak. 57501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 23228, extension and/or clarification filed May 29, 1968. Applicant: RUBY D. JACKSON, doing business as MOUNTAIN EXPRESS TRUCK LINE, 2903 North Tejon Street, Colorado Springs, Colo. 80907. Applicant's representative: James C. Perrill, 1340 Denver Club Building, Denver, Colo. 80202. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) Transportation of *general freight*, between Denver and a 5-mile radius thereof, and Lake George, Colo., and a 5-mile radius thereof, on schedule via Interstate Highway No. 25 and U.S. Highway No. 24, serving all intermediate points west of Colorado Springs, Colo., on U.S. 24 and all off-route points in Teller County, (2) transportation of *general freight*, between Denver, and a 5-mile radius thereof, and Cripple Creek and Victor, Colo., via Interstate Highway No. 25 and Colorado Highway No. 67, serving all intermediate points west of Colorado Springs, Colo., on U.S. No. 24 and Colorado Highway 67 and all off-route points in Teller County, (3) *the conduct of a pickup and delivery service*, of freight having a prior or subsequent movement over the line-haul operation of this certificate: Within Woodland Park, Colo., and a 10-mile radius thereof, excluding the U.S. Air Force Academy, (4) transportation of *general freight*, between Denver, Colo., and a 5-mile radius thereof, and Palmer Lake, Colo., and Monument, Colo., via Interstate 25 and State Highway No. 105.

(5) Transportation of *ore and ore concentrates* on call and demand from points authorized in line haul operation of this certificate to Loveland, Colo., (6) transportation of *freight*, on call and demand from Loveland, Colo., and a 10-mile radius thereof, to all points authorized in the line haul operation of this certificate, (7) transportation of *general freight*, from Colorado Springs, Colo., to Monument and Palmer Lake, Colo., via Interstate 25 and State Highway No. 105, and (8) transportation of *freight*, between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended. Both intrastate and interstate authority sought.

HEARING: Monday, August 19, 1968, at 10 a.m., Colorado Public Utilities

Commission, Hearing Room, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Colorado Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

State Docket No. 23232 (Clarification), filed May 31, 1968. Applicant: EDSON EXPRESS, INC., 1270 Boston, Longmont, Colo. 80501. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight and express* (1) between Denver, Colo. (including points within 5 miles thereof), and Berthoud, Colo. (including points within 2 miles thereof), over regular routes as follows: From Denver over U.S. Highway 87 (Interstate Highway 25) to junction U.S. Highway 36 (Denver-Boulder Turnpike), thence over U.S. Highway 36 to junction Colorado Highway 128, thence over Colorado Highway 128 to junction U.S. Highway 287, thence over U.S. Highway 287 to Berthoud, and return over the same routes, serving all intermediate points and the off-route points of Louisville and Erie, Colo.; (2) between Denver, Colo. (including points within 5 miles thereof) and Longmont, Colo. (including points within 5 miles) and Berthoud, Colo. (including points within 2 miles thereof) over regular routes as follows; from Denver over U.S. Highway 87 (Interstate Highway 25) to junction Colorado Highway 119, thence over Colorado Highway 119 to Longmont, and from Denver over U.S. Highway 87 (Interstate Highway 25) to junction Colorado Highway 56, thence over Colorado Highway 56 to Berthoud, and return over the same routes, serving all intermediate points and the off-route points of Dacono, Freddrick, Evanston, Firestone, and Mead.

(3) Between Denver, Colo. (including points within 5 miles thereof) and Longmont, Colo. (including points within 5 miles thereof) over regular routes as follows: From Denver over U.S. Highway 87 (Interstate 25) to junction Colorado Highway 52, thence over Colorado Highway 52 to junction Colorado Highway 119, thence over Colorado Highway 119 to Longmont, and return over the same routes, serving all intermediate points; and (4) between Denver, Colo. (including points within 5 miles thereof) and Eldorado Springs, Colo., over regular routes as follows: From Denver over Colorado Highway 72 to junction Colorado Highway 93, thence over Colorado Highway 93 to junction Colorado Highway 398, thence over Colorado Highway 398 to Eldorado Springs, Colo., and return over the same routes, serving all intermediate points (except the site of the U.S. Atomic Energy Commission Plant at Rocky Flats); and (5) serving points in those parts of Adams, Weld, Larimer, Boulder, and Jefferson Counties located on and within a line beginning at the intersection of the Denver-Adams County line and Dahlia Street, thence north on Dahlia Street to junction with 88th Avenue in Adams County, thence west on 88th Avenue to junction with Riverdale Road, thence north and east on Riverdale Road to junction with Holly Street, thence north on Holly Street to Base Line Road (on Adams-Weld County line).

Thence east on Base Line Road to junction with the South Platte River, thence north along the South Platte River in Weld County to junction with Colorado Highway 66, thence west on Colorado Highway 66 approximately 6 miles to junction unnumbered highway, thence north on unnumbered highway approximately 8 miles to junction unnumbered highway, thence west on unnumbered highway approximately 7 miles to junction U.S. Highway 287 in Larimer County, thence north on U.S. Highway 287 approximately one-half mile to junction unnumbered highway, thence west on unnumbered highway approximately 3½ miles to junction unnumbered highway, thence south on unnumbered highway approximately 8 miles to junction Colorado Highway 66 in Boulder County, thence west on Colorado Highway 66 to junction with Colorado Highway 7 in Boulder County, thence south on Colorado Highway 7 to Neva Road, thence east on Neva Road to North 45th Street, thence south on North 45th Street to Niwot Road, thence east on Niwot Road to North 55th Street, thence south on North 55th Street to Monarch Road, thence east on Monarch Road to North 63d Street, thence south on North 63d Street to Jay Road, thence east on Jay Road to North 75th Street, thence south on North 75th Street to Base Line Road, thence east on Base Line Road to North 76th Street, thence south on North 76th Street to South Boulder Road, thence east on South Boulder Road to South 80th Street, thence south on South 80th Street to junction Colorado Highway 170, thence west on Colorado Highway 170 to South 76th Street, thence south on South 76th Street to Coal Creek Drive, thence south and west on Coal Creek Drive to junction with Coal Creek, thence south and west along Coal Creek to junction with Colorado Highway 93, thence south on Colorado Highway 93 to junction Colorado Highway 72 in Jefferson County.

Thence east and south on Colorado Highway 72 to junction with Jefferson-Denver County line, thence north and east along the Denver County line to the point of beginning (except Brighton, Fort Lupton, Platteville, points on U.S. Highway 85 in Adams and Weld Counties, and the site of the U.S. Atomic Energy Commission Plant at Rocky Flats), as intermediate and/or off-route points in connection with carrier's regular route points in connection with carrier's regular route service. (NOTE: Applicant is presently authorized to conduct a portion of the above-described operations in intrastate commerce under certificates of public convenience and necessity PUC No. 40 and PUC No. 26 and I issued by the Colorado Public Utilities Commission, and in interstate and foreign commerce pursuant to certificate of registration MC-35227 (Sub-No. 4). No duplicating intrastate or interstate authority is being sought, and the purpose of the above-described application is to extend said existing intrastate and interstate authorities to the enlarged scope described above). Both interstate and intrastate authority sought.

HEARING: August 9, 1968, 10 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Public Utilities Commission of Colorado, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-7231; Filed, June 18, 1968; 8:48 a.m.]

[Notice 503]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 14, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 43421 (Deviation No. 24), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed June 3, 1968. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 57, at or near Effingham, Ill., over Interstate Highway 57 to junction Illinois Highway 16, near Mattoon, Ill., thence over Illinois Highway 16 to junction U.S. Highway 150, at or near Paris, Ill., thence over U.S. Highway 150 to junction U.S. Highway 40, at or near Terre Haute, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between St. Louis, Mo., and Indianapolis, Ind., over U.S. Highway 40.

No. MC 59680 (Deviation No. 64), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed June 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over Interstate Highway 40 to Knoxville, Tenn., thence over Interstate Highway 81 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 70 to Memphis, Tenn., thence over U.S. Highway 63 via Turrell, Ark., to Jonesboro, Ark., thence over Arkansas Highway 1 to Paragould, Ark., thence over Arkansas Highway 25 to the Arkansas-Missouri State line, thence over Missouri Highway 25 to Kennett, Mo., thence over Missouri Highway 84 to Hayti, Mo., thence over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 via Onarga and Gilman, Ill., to junction U.S. Highway 24, thence over U.S. Highway 24 to Napoleon, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Harrisburg, Pa., and return over the same route.

No. MC 77061 (Deviation No. 2), LARMER TRANSFER COMPANY, 3000 Cherry Avenue NE., Salem, Oreg. 97303, filed June 5, 1968. Carrier's representative: William B. Adams, Pacific Building, Portland, Oreg. 97204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of (1) *general commodities*, with certain exceptions, over a deviation route as follows: From Salem, Oreg., over Interstate Highway 5 to Portland, Oreg., and (2) *canned fruit*, from Salem, Oreg., over Interstate Highway 5 to junction Washington Highway 410, thence over Washington Highway 410 to Puyallup, Wash., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Salem, Oreg., over U.S. Highway 99E to Portland, Oreg., and (2) from Salem, Oreg., over U.S. Highway 99E to Portland, Oreg., thence over U.S. Highway 830 (formerly portion U.S. Highway 99) to junction Interstate Highway 5 (formerly portion U.S. Highway 99), thence over Interstate Highway 5 to junction unnumbered highway, thence over unnumbered highway to Puyallup, Wash., and return over the same routes.

No. MC 107500 (Deviation No. 30), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. 61401, filed June 5, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over city streets to Davenport, Iowa, thence over city streets to U.S. Highway 61, thence over U.S. Highway 61 to Burlington, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Moline, Ill., over city streets to U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 34, to Monmouth, Ill., thence over U.S. Highway 34 to Burlington, Iowa, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 456), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Washington, Pa., over Interstate Highway 70 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Pennsylvania Highway 50, north of Bridgeville, Pa., thence over Pennsylvania Highway 50 to junction Interstate Highway 79 at Interchange No. 17 (Carnegie Interchange), thence over Interstate Highway 79 (Penn-Lincoln Parkway), to Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa., over Washington Road to junction McMurray Road, thence over McMurray Road to Donaldson's Cross Roads, Pa., thence over Hill Church Road to junction U.S. Highway 19, thence over U.S. Highway 19 to Washington, Pa., and return over the same route.

No. MC 1515 (Deviation No. 457) (Cancels Deviation No. 281), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed June 5, 1968. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passenger and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Washington Highway 104 (South Point Road Junction) over Washington Highway 104 to junction U.S. Highway 101 (South Discovery Bay Junction), thence over U.S. Highway 101 to junction Washington Highway 113 (Discovery Bay), (2) from junction unnumbered highway and Washington Highway 104 (South Point Road Junction), over Washington Highway 104 to junction unnumbered highway (South Center Junction), thence over unnumbered highway to Center, and (3) from Center over unnumbered highway to junction Washington Highway 104 (South Center Junction), thence over Washington Highway 104 to junction U.S. Highway 101 (South Discovery Bay Junction), thence over U.S. Highway 101 to junction Washington Highway 113 (Discovery Bay), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Seattle via ferry to Winslow, thence over Washington Highway 305 to junction Washington Highway 3, thence over Washington Highway 3 to junction Washington Highway 104, thence over Washington Highway 104 to junction unnumbered highway (South Point Road Junction), thence over unnumbered highway via Center to junction Washington Highway 113, thence over Washington Highway 113 to Discovery Bay, thence over U.S. Highway 101 to Port Angeles, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7232; Filed, June 18, 1968; 8:48 a.m.]

[Notice 1190]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 14, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 129533 (Sub-No. 2) (Republication), filed January 26, 1968, published FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: NATCHEZ TRANSIT LINES, INC., No. 3 South Circle, Natchez, Miss. 39120. Applicant's representative: Fred J. Hawkins (same address as applicant). By application filed January 26, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *passengers, their baggage, express, mail and newspapers* in the same vehicle with passengers, between Natchez and Hattiesburg, Miss., from Natchez over U.S. Highways 61 and 84 to Washington, thence over U.S. Highway 84 to Prentiss, thence over Mississippi Highway 42 to junction Mississippi Highways 42 and 44, thence over Mississippi Highway 42 to junction U.S. Highway 40, thence south on U.S. Highway 49 to Hattiesburg, Miss., and return over the same route; and over irregular routes, of passengers and their baggage, in the same vehicle with passengers, in charter operations, from points on the route described above, extending to points in the United States (excluding Hawaii). An order of the Commission. Operating Rights Board dated May 31, 1968 and served June 10, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *passengers, and their baggage, express, and newspapers*, in the same vehicle with passengers, between Natchez, Miss., and Hattiesburg, Miss., from Natchez over U.S. Highway 84 to Prentiss, thence over Mississippi Highway 42 to junction U.S. Highway 49, thence over U.S. Highway 49 to Hattiesburg, and return over the same routes, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129745 (Sub-No. 1) (Republication), filed March 6, 1968, published FEDERAL REGISTER issue March 21, 1968, and republished this issue. 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. By application filed March 6, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of (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., of New York, N.Y. An order of the Commission, Operating Rights Board dated May 29, 1968, and served June 12, 1968, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *wood chips*, from Altenburg, Mo., to Alton, Ill., Calvert City, Ky., and Wickliffe, Ky.; and *waste wood*, from Pinckneyville, Ill., to Altenburg, Mo., under a continuing contract with National Distillers Products Co., Division of National Distillers & Chemical Corp., of New York., N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 69901 (Sub-No. 18), filed May 27, 1968. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. 47201. 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: *General commodities* (1) between points in Illinois within 50 miles of Rockford, Ill., and (2) between points in Illinois within 50 miles of Rockford, Ill., on the one hand, and, on the other, points in Illinois located more than 50 miles from Rockford, Ill. NOTE: This application is a matter directly related to Docket No. MC-F-10140, published FEDERAL REGISTER issue of June 5, 1968. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 79188 (Sub-No. 7), filed March 1, 1968. Applicant: YULE TRUCK LINES, INC., 701 West Cleveland Avenue, Milwaukee, Wis. 53215. 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 (I) Irregular routes: Transporting (1) *general commodities* (except commodities in bulk, dangerous explosives, commodities which because of size or weight require special equipment, and articles of unusual value), (a) between points in Illinois within a 50-mile radius of Princeton, Ill., including Princeton, and (b) between points in Illinois, within a 50-mile radius of Princeton, Ill., including Princeton, on the one hand, and, on the other, points in Illinois, located more than 50 miles from Princeton, Ill., restricted to shipments originated at or destined to points within 50 miles of Princeton, Ill.; (2) *general commodities*, between points in Illinois, within a 15-mile radius of Peoria, Ill., including Peoria; and (II) Regular routes: *General commodities* (except commodities in bulk, dangerous explosives, commodities which because of size or weight require special equipment, and articles of unusual value), serving the site of the Dresden Nuclear Power Station in Grundy County, Ill., as an off-route point in connection with applicant's regular routes.

(III) Route 1: Between Chicago and Peoria, Ill., over Illinois Highway 71 or U.S. Highway 66 to Illinois Highway 53, thence over U.S. Highway 66 to junction U.S. Highway 24, thence over U.S. Highway 24 to Illinois Highway 8, and return over the same route; serving all intermediate points and the off-route points of Spring Forest, Lemont, Braidwood, and Braceville.

Route 2: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction U.S. Highway 6, thence over U.S. Highway 6 to Illinois Highway 29, and return over the same route, serving all intermediate points and the off-route points of Spring Forest, Lemont, Morris and Utica.

Route 3: Between Chicago and Peoria, Ill., over U.S. Highway 34 to Illinois Highway 89 or Illinois Highway 26 and Illinois Highway 29, and return over the same route, serving all intermediate points and the off-route points of Forest Park, Aurora, Montgomery, Bristol, Leland, and Earlville.

Route 4: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to Illinois Highway 116, and return over the same route, serving all intermediate points and the off-route points of Spring Forest, Lemont, White Willow, Dimmick, La Salle, Oglesby, and Minonk.

Route 5: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction Illinois Highway

53, thence over Illinois Highway 53 to junction U.S. Highway 66, thence over U.S. Highway 66 to Illinois Highway 116, and return over the same route, serving all intermediate points and the off-route points of Spring Forest, Lemont, Braidwood, Braceville, Gardner, Dwight, Odell, Pontiac, and Spires.

Route 6: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 7, thence over Illinois Highway 7 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction U.S. Highway 66, and thence over U.S. Highway 66 to U.S. Highway 24, and return over the same route, serving all intermediate points and the off-route points of Justice Park, Braidwood, Braceville, Gardner, Dwight, Odell, and Pontiac.

Route 7: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 6, thence over U.S. Highway 6 to Illinois Highway 29, and return over the same route, serving all intermediate points and the off-route points of Justice Park, Rockdale, Morris, Utica, Princeton, Henry, and Rome.

Route 8: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 7, thence over Illinois Highway 7 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 116, and thence over Illinois Highway 116 to Illinois Highway 87, and return over the same route, serving all intermediate points and the off-route points of Justice Park, White Willow, Dimmick, La Salle, Oglesby, and Minonk.

Route 9: Between Chicago and Peoria, Ill., over Illinois Highway 171 or U.S. Highway 66 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 7, thence over Illinois Highway 7 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 116, thence over Illinois Highway 116 to Illinois Highway 87, and return over the same route, serving all intermediate points and the off-route points of Justice Park, Braidwood, Braceville, Gardner, Dwight, Odell, Pontiac, and Woodford.

Route 10: Between Leland and Pontiac, Ill., over Illinois Highway 23, and return over the same route, serving all intermediate points and the off-route point of Baker.

Route 11: Between Dwight and Sparland, Ill., over Illinois Highway 17 to junction Illinois Highway 18, thence over Illinois Highway 18 to junction Illinois Highway 179, thence over Illinois Highway 179 to Illinois Highway 17, and return over the same route, serving all intermediate points and the off-route points of Sunbury, Nevada, Blackstone, Evans, Custer, and Varna.

Route 12: Between Metamore and La Moille, Ill., over Illinois Highway 89, and return over the same route, serving all intermediate points and the off-route point of Peru.

Route 13: Between Streator and Henry, Ill., over Illinois Highway 18, and return over the same route, serving all intermediate points.

Route 14: Between Roanoke, Ill., and the junction of Illinois Highway 17 and Illinois Highway 116A, over Illinois Highways 116 and 116A, and return over the same route, serving all intermediate points and the off-route point of Benson.

Route 15: Between the junction of U.S. Highway 6 and Illinois Highway 178 and Lowell, Ill., over Illinois Highway 178, and return over the same route, serving all intermediate points and the off-route point of Deer Park.

Route 16: Between the junction of U.S. Highway 34 and Illinois Highway 47 and the junction of U.S. Highway 66 and Illinois Highway 47, over Illinois Highway 47, and return over the same route, serving all intermediate points and the off-route point of Bristol.

Route 17: Between Seneca, Ill., and the junction of Illinois Highway 17 and Illinois Highway 170, over Illinois Highway 170, and return over the same route, serving all intermediate points.

Route 18: Between Plainfield, Ill., and the junction of Illinois Highway 59 and U.S. Highway 66 or the junction of Illinois Highway 129 and Illinois Highway 53, over Illinois Highway 59, U.S. Highway 66 and Illinois Highway 129, and return over the same route, serving all intermediate points and the off-route points of Blodgett and Drummond.

Route 19: Between the junction of U.S. Highway 34 and Illinois Highway 65 and the junction of Illinois Highway 31 and U.S. Highway 34, over Illinois Highways 65 and 31, and return over the same route, serving all intermediate points.

Route 20: Between Chicago, and Bloomington, Ill., over U.S. Highway 66, and return over the same route, serving all intermediate points and the off-route points of Summit, Joliet, Elwood, Wilmington, Braidwood, Godley, Braceville, Gardner, Dwight, Odell, Pontiac, Ballard, and Normal. Also, to serve all intermediate termini and off-route points described in Routes 1 to 20, both inclusive, between all points in both directions, and to serve Argo, Bellwood, Bensenville, Blue Island, Broadview, Calumet City, Calumet Park, Chicago Heights, Clearing, Congress Park, Des Plaines, Dolton, Evanston, Evergreen Park, Forest Park, Franklin Park, Harvey, Mannheim, Markham, Maywood, Melrose Park, Oak Lawn, Oak Park, Park Ridge, Proviso, Riverdale, River Forest, River Grove, Schiller Park, and Waukegan, Ill., as off-route points which off-route points may be served from the most convenient authorized highway or highways designated herein, using any available highway between such highways and any such off-route points, restricted to service within the state of Illinois. NOTE: This application is a matter directly related to Docket No. MC-F-10061, published FEDERAL REGISTER issue of March 13, 1968. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., and Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9681 (Supplement) (TERMINAL TRANSPORT CO., INC.—Purchase (Portion)—DIXIE HIGHWAY EXPRESS, INC.), published in the March 1, 1967, issue of the FEDERAL REGISTER, on page 3430. By petition filed June 12, 1968, Applicants seek the joinder of TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Owensboro, Ky. 42301, as a party in control of the vendee corporation.

No. MC-F-9921 (Republication) (BOWMAN TRANSPORTATION, INC.—Purchase (Portion)—ALABAMA HIGHWAY EXPRESS, INC.), published in the November 1, 1967, issue of the FEDERAL REGISTER, on page 15141. As originally published, purchase by BOWMAN TRANSPORTATION, INC. (Bowman), of a portion of the operating rights of ALABAMA HIGHWAY EXPRESS, INC. (Express), was proposed. By amendment, considered in the report and recommended order served June 7, 1968, additional authority of Express would be purchased by Bowman. As directed by the hearing examiner, this notice described all of the authority which is to be purchased, and which the recommended order would grant. *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, from rail sidings at certain specified points in Alabama, to points in Alabama within 75 miles of each of the same points, from rail sidings at certain specified points in Mississippi, to points in Mississippi within 50 miles of each of the same points, from rail sidings at certain specified points in Tennessee, to points within 50 miles of each of the same points, with restriction; between Louisville, Ky., on the one hand, and, on the other, points in Indiana, and Tennessee, certain specified points in Florida, Illinois, and Ohio, with restrictions; *household goods* as defined by the Commission, between Birmingham, Ala., on the one hand, and, on the other, points in Mississippi, Tennessee, Florida, Georgia, Louisiana, and Virginia.

Tires and *tubes*, in shipments weighing not less than 10,000 pounds each from any one consignor, from Cumberland, Md., and points within 10 miles of Cumberland, to certain specified points in Alabama, with restriction; *tire fabric* in shipments weighing not less than 15,000 pounds each from any one consignor, from certain specified points in Georgia, and Decatur, Ala., to Cumberland, Md., and points within 10 miles of Cumberland, with restriction; *empty spools, winding cores, core discs, and core protectors*, from Cumberland, Md., and points within 10 miles of Cumberland, to certain specified points in Georgia, and Decatur, Ala.; *tires, tubes, and rubber products*, from Cumberland, Md., to Atlanta, Ga., with restriction; *canned goods*, from Louisville, Ky., Macon, Miss., points in Indiana and Tennessee, certain specified points in Illinois, Ohio, and points in that part of Georgia on and west of U.S. Highway 129, to points in Alabama, except Birmingham, Ala., and points within 65 miles thereof, with restriction; *glass containers*, from Streator, Ill., Gas City, Ind., and Columbus, Ohio, to points in Alabama, except points in Mobile County, Ala., and except Birmingham, Ala., and points within 65 miles thereof, with restriction; *fruit juices, jams, jellies, preserves, vinegar, and apple products*, from Winchester, Va., and points within 50 miles thereof, to points in Alabama and Mississippi, with restriction; *fiber pipe and fiber pipe fittings, iron and steel, and iron and steel articles*, from certain specified points in Alabama, to points in Arkansas and Oklahoma, with restriction; *cement asbestos products* (except conduit and pipe which because of size, shape, weight or inherent character, require the use of special equipment), and

Fittings, materials, and accessories, for the installation or transportation thereof (except in bulk), and *plastic pipe and pipe fittings* in mixed loads with cement asbestos products, from Ragland, Ala., to points in Florida, Georgia, Kentucky, Louisiana, Mississippi, and Virginia, from Ragland, Ala., to points in Alabama, North Carolina, South Carolina, and West Virginia; *asbestos-cement pipe and pipe fittings, and plastic pipe and pipe fittings*, when transported in mixed loads with asbestos-cement pipe and pipe fittings, from the plantsite of the Orangeburg Manufacturing Co., located near Ravenna, Ohio, to points in Tennessee, Florida, and Georgia, with restrictions; *ceramic products, tile, and tile cement*, from Florence, Ala., to Lexington, Ky.; *boards*, building, wall, or insulating, and *materials and supplies* included in the installation of the above-named commodities, from the plantsite and storage facilities of the Armstrong Cork Co., at or near Macon, Ga., to points in Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, and Michigan, from the plantsite and storage facilities of the Armstrong Cork Co., at or near Pensacola, Fla., to points in Georgia and Michigan; *general commodities*, except classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between the plantsite of Revere Copper and Brass, Inc., near Scottsboro, Ala., on the one hand, and, on the other, points in Alabama, Florida, Tennessee (except Chattanooga), Kentucky, Illinois, Indiana, and Ohio.

Iron and steel, and iron and steel articles, from Bartonville, Ill., to points in Alabama, Mississippi, and Tennessee, with restriction; *conduit* (except commodities that require special handling or rigging because of size or weight, and oilfield and pipeline commodities as defined in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from Fairbury, Ill., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *iron and steel articles*, between the plantsite and storage facilities of Price Brothers Co. at Dayton, Ohio, and the plantsite and storage facilities of Price Brothers Co. at Hattiesburg, Miss.; from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee, with restrictions; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee, to the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., with restrictions; *mineral wool* and *mineral wool cement*, from the plantsite of Rock Wool Manufacturing Co. at or near Leeds, Ala., to points in Kentucky; *plastic pipe, plastic or iron fittings and connections, valves, hydrants, and gaskets*, from the site of the plant and warehouse facilities of the Clow Corp., located near Lincoln, Talladega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia;

Polyvinylchloride (except in bulk), from points in Texas, Louisiana, and Kentucky, to the site of the plant and warehouse facilities of the Clow Corp. near Lincoln, Talladega County, Ala.; *rubber gaskets*, from Houston, Tex., to the site of the plant and warehouse facilities of the Clow Corp. near Lincoln, Talladega County, Ala.; *plastic fittings*, from Pompano Beach, Fla., to the site of the plant and warehouse facilities of the Clow Corp. near Lincoln, Talladega County, Ala.; in pending Docket No. MC 71516 Sub-74, seeking a certificate of public convenience and necessity, covering the transportation of iron and steel and iron and steel articles (except those requiring special equipment and oilfield pipe as defined in T. E. Mercer Extension, 46 M.C.C. 845), over irregular routes, from Sterling and Rock Falls, Ill., to points in Alabama, Florida, Georgia, Kentucky (except Henderson, Louisville, Owensboro, and Paducah) and Tennessee; and in pending Docket No. MC-71516 Sub-84, seeking a certificate of public convenience and necessity, covering the transportation of iron and steel, iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles, over irregular routes, between points in the Chicago, Ill., commercial zone as defined by the Commission, Joliet and Waukegan, Ill., and Gary, Ind., Harbor, East Chicago and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC-F-10019 (Supplement) (COMMERCIAL CARRIERS, INC.—Purchase (Portion)—CONVOY CO.), published in the January 31, 1968, issue of the FEDERAL REGISTER, on page 2410. By petition filed June 6, 1968, Applicants seek the joinder of TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Owensboro, Ky. 42301, as a party in control of the vendee corporation.

No. MC-F-10059 (Supplement) (TERMINAL TRANSPORT CO., INC.—Purchase (Portion)—PULASKI HIGHWAY EXPRESS, INC.), published in the March 6, 1968, issue of the FEDERAL REGISTER, on page 4235. By petition filed June 6, 1968, Applicants seek the joinder of TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Owensboro, Ky. 42301, as a party in control of the vendee corporation.

No. MC-F-10152. Authority sought for purchase by THE O'BRIEN & NYE CARTAGE CO., 308 Central Viaduct, Cleveland, Ohio 44115, of the operating rights of THE RATHBUN CARTAGE COMPANY, 20 Vance Street, Toledo, Ohio 43602, and for acquisition by M. J. O'BRIEN, 21111 Chagrin Boulevard, Cleveland, Ohio 44122, of control of such rights through the purchase. Applicants' attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Toledo, Ohio, on the one hand, and, on the other, St. Louis, Mo., and points in Ohio, Illinois, Indiana, Michigan, Pennsylvania, New Jersey, and New York; *fresh, frozen, and processed meats, lard, lard compounds and substitutes, butter, oleomargarine, margarine, bones, chili con carne, oleo oils, poultry, sausage casings, cheese, and eggs*, and *advertising matter and material* used in connection with the sale and distribution of such commodities, in vehicles equipped with mechanical refrigeration, from Toledo, Ohio, to certain specified points in Michigan and Ohio; and *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Toledo, Ohio, to certain specified points in Ohio. Vendee is authorized to operate as a *common carrier* in Ohio and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10153. Authority sought for purchase by LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025, of a portion of the operating rights of SHAFFER TRUCKING, INC., New Kingstown, Pa. 17072, and for acquisition by MIDWEST EMERY FREIGHT SYSTEM, INC., and, in turn by MILTON D. RATNER, both of 7000 South Pulaski Road, Chicago, Ill. 60629, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and James W. Hagar, Post Office Box 432, Harrisburg, Pa. 17108. Operating rights sought to be transferred: *Confectionery, syrups, sauces, toppings, and chocolate products* (except in bulk, in tank vehicles), and *advertising materials, displays, dispensing equipment, and premiums* moving in connection with confectionery, syrups, sauces, toppings and chocolate products (except in bulk, in tank vehicles), as a *common carrier*, over irregular routes, from the plantsite of the Hershey Chocolate Corp., at Oakdale, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Arizona, Texas, California, Colorado, Illinois, Iowa, Missouri, Nebraska, South Dakota, Nevada, Wisconsin, Minnesota, Indiana, Oklahoma, Utah, Oregon, Washington, Montana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Idaho, and the District of Columbia. Application has not been filed for temporary authority.

No. MC-F-10154. Authority sought for control and merger by BI-STATE EXPRESS, INC., Old Fairfield Road, Mount Vernon, Ill. 62864, of the operating rights and property of BORAH TRUCK LINE, INC., 516 Southeast Fourth Street, Fairfield, Ill. 62837, and for acquisition by HAROLD W. KOEHN, JOHN T. BLANKINSHIP, both of Dewey Street, Murphysboro, Ill., and H. VAN FERRILL, 3204 Blackbury, Mount Vernon, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Ernest A. Brooks II, 1311 Ambassador Building, St. Louis, Mo. 63101, and Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fairfield, Ill., and Evansville, Ind., serving the intermediate points of Albion and Mount Carmel, Ill., with restriction, between Fairfield, Ill., and St. Louis, Mo., between St. Louis, Mo., and Fairfield, Ill., serving certain intermediate and off-route points. BI-STATE EXPRESS, INC., is authorized to operate as a *common carrier* in Illinois and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10155. Authority sought for merger into QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02403, of the operating rights and property of MAINE-BORDER FREIGHTWAYS, 1093 North Montello Street, Brockton, Mass. 02403, and for acquisition by THOMAS J. LYONS, also of Brockton, Mass., of control of such rights and property through the transaction. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Operating rights sought to be merged (A) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Harmony, Maine, and Boston, Mass., between Princeton, Maine, and Waterville, Maine, between Old-Town, Maine, and Brunswick, Maine, between Bangor, Maine, and Portland, Maine, between Newport, Maine, and Bangor, Maine, between Dexter, Maine, and Guilford, Maine, serving intermediate points in Maine, New Hampshire, and that part of Massachusetts within 10 miles of the State House, Boston, Mass., without restriction, all other intermediate points in Massachusetts restricted to pickup and delivery of traffic moving to or from points north of the New Hampshire-Massachusetts State line, and the off-route points of Millinocket, East Millinocket, Medway, and Brownville, Maine, points in Maine on and south of Maine Highway 16, points in Maine within 25 miles of Harmony, and those points within 10 miles of State House, Boston, Mass., without restriction, and Worcester, Mass., and all other points within 35 miles of the State House, Boston, Mass., restricted to pickup and delivery of traffic moving to or from points north of the Massachusetts-New Hampshire State line.

Dairy products, fresh fruits, and vegetables, and such merchandise as is dealt in by wholesale and retail grocery stores, between Boston, Mass., and Bangor, Maine, serving intermediate and off-route points within 10 miles of the State House, Boston, Mass., between Smithtown, N.H., and Boston, Mass., between Newburyport, Mass., and Boston, Mass., serving all intermediate points; *milk and cream and empty containers* therefor, between Boston, Mass., and Harmony, Maine, serving intermediate and off-route points within 20 miles of the State House, Boston, Mass., and points within 60 miles of Harmony; *general commodities*, except commodities in bulk, and those exceeding ordinary loading and equipment facilities, between Providence, R.I., and Bangor, Maine, between Providence, R.I., and Smithtown, N.H., between Boston, Mass., and Barre, Mass., between Boston, Mass., and Lowell, Mass., between Boston, Mass., and Lawrence, Mass., between Portland, Maine, and Augusta, Maine, between Brunswick, Maine, and Bangor, Maine, serving all intermediate points; (B) *general commodities*, excepting, among others, household goods and commodities in bulk, between Old Town, Maine, and the port of entry located on the United States-Canada boundary line at or near Houlton, Maine, between Mattawamkeag, Maine, and Medway, Maine, Restriction: The service authorized in section (B) above is subject to the following conditions:

The operations authorized in section (B) above are restricted to the transportation of traffic moving to or from points in the provinces of New Brunswick, Nova Scotia, and Prince Edwards Island, Canada. The authority granted in section (B) above shall not be severable, by sale or otherwise, from the regular-route authority authorized in section (A) herein. (C) *General commodities*, except commodities in bulk, and those exceeding ordinary loading and equipment facilities, over irregular routes, between Portland, Maine, on the one hand, and, on the other, certain specified points in Maine, between certain specified points in Maine, on the one hand, and, on the other, points in New Hampshire and Rhode Island, and points in that part of Massachusetts on and east of U.S. Highway 5; *heavy machinery, contractors' equipment, and household goods* as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware; *fiberboard, pulpboard, and wallboard*, from Lisbon Falls, Maine, to points in Vermont and Connecticut, and those in that part of Massachusets west of U.S. Highway 5; *wood plugs and wood bars*, between certain specified points in Maine, on the one hand, and, on the other, Nashua and Farmington, N.H.; *canned goods, potatoes, manufactured forest products, paper products, wool, and shoddy*, from points in Maine on and south of Maine Highway 16, to certain specified points in New Hampshire; *canned goods, ranges, and cloth*, from points in Maine on and south of Maine Highway 16, to certain specified points in Rhode Island; *canned goods*, from points in Maine on and south of Maine Highway 16, to Fitchburg, Mass.; and *sugar*, from Boston and Somerville, Mass., to certain specified points in Maine. QUINN FREIGHT LINES, INC. is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, New York, Vermont, Maryland, West Virginia, Pennsylvania, Rhode Island, New Jersey, Connecticut, Maine, Delaware, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: QUINN FREIGHT LINES, INC. controls MAINE-BORDER FREIGHTWAYS, through ownership of capital stock pursuant to authority granted in Docket No. MC-F-8804, by Finance Board No. 1, August 25, 1965, and consummated October 8, 1965.

No. MC-F-10156. Authority sought for purchase by JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166, of the operating rights of RUKE TRANSPORT LINE, INC., Post Office Drawer 190, Fort Myers, Fla., and for acquisition by JOHN E. BROWN, also of Miami, Fla., of control of such rights through the purchase. Applicants' attorneys: Guy H. Postell and Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Operating rights sought to be transferred: *Frozen foods*, as a *common carrier*, over irregular routes, from New York, N.Y., to Jacksonville, Palatka, Miami, Key West, and Camp Blanding, Fla.; *paint*, from New York, N.Y., to points in Florida, and *fresh fruits and vegetables,* from points in Florida, Georgia, South Carolina, North Carolina, and Virginia, to New York, N.Y. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Alabama, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Ohio, Tennessee, Wisconsin, West Virginia, Rhode Island, New York, New Jersey, Virginia, South Carolina, Georgia, Arkansas, Texas, Florida, Louisiana, Maryland, Delaware, and the District of Columbia; and as a *contract carrier* in Wisconsin, Florida, New York, Georgia, Massachusetts, and Louisiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10157. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa., of the operating rights and certain property of RAYMOND T. SUTTON, 22 Center Street, Salamanca, N.Y., and for acquisition by DAVID B. WORSTER, West Lake Road, Rural Delivery No. 1, North East, Pa., of control of such rights and property through the purchase. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Operating rights sought to be transferred: *Shoe last blocks and lumber,* as a *contract carrier,* over irregular routes, from Ellicottville and Salamanca, N.Y., to certain specified points in Pennsylvania, Lewiston and Auburn, Maine, and points in Massachusetts; *lumber,* from Ellicottville and Salamanca, N.Y., to Arlington, Vt., Ivoryton and Bridgeport, Conn., and Nashua, N.H.; *shoe last blocks,* from Galeton, Pa., to Ellicottville and Salamanca, N.Y.; and *plastic scrap,* from points in Massachusetts, to Ellicottville and Salamanca, N.Y.; Restriction: The operations authorized herein are limited to the transportation service to be performed, under a continuing contract, or contracts, with Fitzpatrick & Weller, Inc., Ellicottville, N.Y. Vendee is authorized to operate as a *common carrier* in Maine, Rhode Island, Virginia, Massachusetts, New York, New Jersey, Pennsylvania, Connecticut, New Hampshire, Vermont, Florida, Ohio, Illinois, West Virginia, Michigan, Indiana, Kentucky, Maryland, Wisconsin, South Carolina, Florida, Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-109478 Sub-111 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7233; Filed, June 18, 1968; 8:48 a.m.]

[Notice No. 630]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 14, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-297 TA), filed June 10, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Diatomaceous earth,* in bulk, in pneumatic trailers, from Colado, Nev., to Bakersfield, Calif., for 150 days. Supporting shipper: Eagle-Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations,, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 41098 (Sub-No. 23 TA), filed June 10, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Arizona and Nevada, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: The applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers, for 180 days. Supporting shippers: Global Van Lines, Inc., International Division, No. 1 Global Way, Anaheim, Calif. 92803; Universal World-Wide Movers, Division of Universal Carloading & Distributing Co., Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 41098 (Sub-No. 24 TA), filed June 10, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in North Dakota, South Dakota, and Wyoming, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: The applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers for 180 days. Supporting shippers: Global Van Lines, Inc., International Division, No. 1 Global Way, Anaheim, Calif. 92803; Universal World-Wide Movers, Division of Universal Carloading & Distributing Co., Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 41098 (Sub-25 TA), filed June 10, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, (a) between points in Maine, Vermont, and New Hampshire, restricted to shipments having a prior or subsequent movement beyond said points; and, (b) between points in Maine, Vermont, and New Hampshire, on the one hand, and, on the other, the Port of Boston, Mass., restricted to shipments having a prior or subsequent movement beyond the Port of Boston. NOTE: The applicant does not intend to tack the authority here applied for the other authority held by it, or to interline with other carriers, for 180 days. Supporting shippers: Global Van Lines, Inc., International Division, No. 1 Global Way, Anaheim, Calif. 92803; Universal World-Wide Movers, Division of Universal Carloading and Distributing Co., Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor W. J. Heutig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 41098 (Sub-26 TA), filed June 10, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Massachusetts, Connecticut, and Rhode Island, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: The applicant does not intend to interline with other carriers, nor to tack the authority here applied for to other authority held by it, for 180 days. Supporting shippers: Global Van Lines, Inc., International Division, No. 1 Global Way, Anaheim, Calif. 92803; Universal World-Wide Movers, Division of Universal Carloading & Distributing Co., Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor W. J. Heutig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 41098 (Sub-No. 27 TA), filed June 10, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Delaware, restricted to shipments having a prior or subsequent movement beyond said points; and (b) between points in Delaware, on the one hand, and, on the other, the Ports of Baltimore, Md., and Philadelphia, Pa.; restricted to shipments having prior or subsequent movement beyond the Ports of Philadelphia, Pa., and Baltimore, Md. NOTE: The applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers, for 180 days. Supporting shippers: Global Van Lines, Inc., International Division, No. 1 Global Way, Anaheim, Calif. 92803; Universal World-Wide Movers, Division of Universal Carloading & Distributing Co., Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 41098 (Sub-No. 28 TA), filed June 10, 1968. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa and Minnesota, restricted to shipments having a prior or subsequent movement beyond said points. NOTE: The applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers, for 180 days. Supporting Shippers: Global Van Lines, Inc., International Division, No. 1 Global Way, Anaheim, Calif. 92803; Universal World-Wide Movers, Division of Universal Carloading & Distribution Co., Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 41255 (Sub 70 TA) filed June 11, 1968. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 11A, Hargrave Road, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Ronda, N.C., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Connecticut, Maine, Vermont, New Hampshire, and the District of Columbia, for 180 days. Supporting shipper: United Furniture Corp., Lexington, N.C. 27292. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, BSR Building, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 112962 (Sub-No. 8 TA), filed June 11, 1968. Applicant: CRUPPER TRANSPORT CO., INC., 2908 North Plum Street, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt substitute and salt substitute with seasoning*, when shipped in mixed truckloads with salt and salt products, *from* Hutchinson, Kans., to points in Missouri except St. Joseph and St. Louis, Mo., for 180 days. Supporting shipper: Morton Salt Co., 6175 The Paseo, Kansas City, Mo. 64110. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 116886 (Sub-No. 37 TA), filed June 11, 1968. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Post Office Box 1529, Roanoke, Va. 24014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate, and related articles and premiums*, in refrigerated equipment, between Roanoke, Va., and points within 5 miles thereof, and points in Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Hamilton County, Ohio, for 150 days. Supporting shipper: Old Dominion Candies, Inc., Salem, Va. 24153. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, SW., Roanoke, Va. 24011.

No. MC 116887 (Sub-No. 4 TA), filed June 10, 1968. Applicant: GRIFFIN MOBILE HOME TRANSPORTING CO., 9000 Southeast 29th Street, Oklahoma City, Okla. 73110. Applicant's representative: Jack L. Griffin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse trailers, related parts, materials, and accessories*, from Chickasha, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, for 150 days. Supporting shippers: Haynes Manufacturing Co. (Dick Haynes), Chickasha, Okla.; Lindale Trailer Co. (Arthur Lindale, owner), Chickasha, Okla.; Stallion Trailer Co. (James E. Wilson), Post Office Box 1185, Chickasha, Okla. 73018. Send protests to: District Supervisor C. L. Phillips, Interstate Commerce Commission, Bureau of Operations, Room 350–American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 127110 (Sub-No. 3 TA), filed June 10, 1968. Applicant: FEATURE FILM SERVICE, INC., 4950 East Prospect Street, Indianapolis, Ind. 46203. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motion picture film, supplies and accessories, theater equipment and advertising materials* used in motion picture theaters, between points in Indiana. Supporting shippers: (1) Warner Bros. Seven Arts Distributing Corp., Indianapolis, Ind.; (2) Syndicate Theatres, Inc., Franklin, Ind.; (3) Affiliated Theatre Service and Howco Films, Indianapolis, Ind.; (4) Allied Theatre Owners of Indiana, Inc., Indianapolis, Ind. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 127274 (Sub-No. 16 TA), filed June 10, 1968. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. 47302. Applicant's representative: Charles Sherwood (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cracker meal, cookie meal, flour, and flour products*, from Richmond, Ind., to Paris, Tex.; Chambersburg, Pa.; Asheville, N.C.; Carthage, Mo.; Fort Smith, Ark.; Moberly, Mo., and Rochester, N.Y., for 180 days. Supporting shipper: Richmond Baking Co., Richmond, Ind. Send protest to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129959 TA, filed June 10, 1968. Applicant: SOUTHERN CRESCENT TERMINALS, INC., 1328 Putnam Drive NW., Post Office Box 3038, Huntsville, Ala. 35801. 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: *Household goods*, as defined by the Commission, between Huntsville, Ala., and Redstone Arsenal, Ala., on the one hand, and, on the other, points within 150 miles of Huntsville, except points in Mississippi, restricted to shipments having prior or subsequent movement in interstate commerce, for 150 days. Supporting shipper: Aerospace Consolidators, Inc., 15 South Spokane Street, Seattle, Wash. 98134. Send protests to: B. R. McKenizie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 129964 TA, filed June 11, 1968. Applicant: CLIFFORD PHOEBUS, doing business as FAMOUS TRANSIT CO., Post Office Box 732, Astoria, Ill. 61501. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, unmounted, *parts and attachments thereof* when transported with the truck bodies, from Astoria, Ill., to points in Arkansas, Colorado, Connecticut, Georgia, Indiana, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, New York, Ohio, Pennsylvania, Virginia, Utah, and Wisconsin, for 180 days. Supporting shipper: Astoria Fibra-Steel, Inc., Astoria, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129965 TA, filed June 11, 1968. Applicant: CORKREN AND COMPANY, INC., Brilliant, Ala. 35548. Applicant's representative: John Self, Post Office Box 597, Hamilton, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Brilliant, Ala., to Mount Pleasant, New Johnsonville, Memphis, and Columbia, Tenn., Selma, Sheffield, and Birmingham, Ala., Aberdeen and Jackson, Miss.; and Ocala and Jacksonville, Fla., under contract with the Marion Coke Co., Brilliant, Ala., for 180 days. Supporting shipper: Marion Coke Co., Brilliant, Ala. 35548. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-7234; Filed, June 18, 1968; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

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 June.