FEDERAL REGISTER

VOLUME 34 • NUMBER 30

Thursday, February 13, 1969 • Washington, D.C.

Pages 2103–2172

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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

Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

7 CFR

907 2107
908 2107
929 2108
1079 2108
PROPOSED RULES:
1071 2115
1104 2115
1106 2115
1130 2117

9 CFR

PROPOSED RULES:
330 2134

13 CFR

108 2108

14 CFR

71 (8 documents) 2108, 2109
93 2110
288 2110
PROPOSED RULES:
39 2137

16 CFR

15 2111

19 CFR

16 2111

21 CFR

8 2111
120 2112

25 CFR

PROPOSED RULES:
221 2115

33 CFR

110 (2 documents) 2112, 2113
117 2112

37 CFR

PROPOSED RULES:
1 2136

49 CFR

371 2114

50 CFR

33 (2 documents) 2113

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 169]

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

Limitation of Handling

§ 907.469 Navel Orange Regulation 169.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 14, 1969, through February 20, 1969, are hereby fixed as follows:

(i) District 1: 693,000 cartons;

(ii) District 2: 207,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 12, 1969.

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

[F.R. Doc. 69–1964; Filed, Feb. 12, 1969; 11:21 a.m.]

[Valencia Orange Reg. 261]

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

Limitation of Handling

§ 908.561 Valencia Orange Regulation 261.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 14, 1969, through February 20, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 78,660 cartons.

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

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

Dated: February 12, 1969.

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

[F.R. Doc. 69–1965; Filed, Feb. 12, 1969; 11:21 a.m.]

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Order Amending Amended Order Regulating Handling; Correction

In F.R. Doc. 69-9859 appearing in the issue of Friday, August 16, 1968, on page 11642, in § 929.50(a), on line 12, § 929.42 (b) is corrected to read § 929.49(b).

J. PHIL CAMPBELL,
Under Secretary.

FEBRUARY 7, 1969.

[F.R. Doc. 69-1854; Filed, Feb. 12, 1969; 8:50 a.m.]

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

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area (7 CFR Part 1079), it is hereby found and determined that:

(a) The second proviso in § 1079.16 does not tend to effectuate the declared policy of the Act for the month of January 1969.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension is necessary to permit certain dairy farmers to retain their producer status under the order since weather conditions have prevented delivery of milk from some farms to pool plants and such milk was diverted to nonpool plants during January on more days than it was received at pool plants. Without this suspension milk diverted to nonpool plants in excess of the days it was delivered to pool plants would not be considered producer milk.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 1603). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective January 1, 1969.

It is therefore ordered, That the second proviso in § 1079.16 is hereby suspended for the month of January 1969.

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

Effective date: January 1, 1969.

Signed at Washington, D.C., on February 10, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-1853; Filed, Feb. 12, 1969; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3, Amdt. 2]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Interest Rate

Section 108.501-1 of Part 108 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (f) thereof to read as follows:

§ 108.501-1 Section 501 loans.

* * * * *

(f) *Interest rate.* The rate of interest on section 501 loans to State development companies shall be the same rate at which the State development company borrows funds from its members, but in no case shall this rate be greater than 8 percent per annum.

* * * * *

Effective date: January 16, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-1840; Filed, Feb. 12, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-WE-99]

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

Alteration of Control Zone

On January 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 153) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Riverton, Wyo., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., April 3, 1969.

Issued in Los Angeles, Calif., on February 4, 1969.

A. E. HORNING,
Acting Director, Western Region.

In § 71.171 (33 F.R. 2119) the Riverton, Wyo., control zone is amended by deleting "* * * from 0500 to 2100 hours, local time, daily." and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-1843; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 68-WE-100]

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

Alteration of Control Zone

On January 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 153) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Durango, Colo., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., April 3, 1969.

Issued in Los Angeles, Calif., on February 4, 1969.

A. E. HORNING,
Acting Director, Western Region.

In § 71.171 (33 F.R. 2078) the Durango, Colo., control zone is amended by deleting "* * * effective from 0600 to 2200 hours, l.t. daily." and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-1844; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 68-WE-101]

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

Alteration of Control Zone

On January 4, 1969, a notice of proposed rule making was published in the

FEDERAL REGISTER (34 F.R. 154) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Cody, Wyo., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., April 3, 1969.

Issued in Los Angeles, Calif., on February 4, 1969.

A. E. HORNING,
Acting Director, Western Region.

In § 71.171 (33 F.R. 2072) the Cody, Wyo., control zone is amended by deleting the last sentence and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual."

[F.R. Doc. 69-1845; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-119]

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

Alteration of Transition Area

On page 18627 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed amendment which would alter the Plymouth, Mass., transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted 0901 G.m.t., April 3, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 31, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Plymouth, Mass., transition area, the coordinates "41°54' 36" N., 70°43'44" W." and insert in lieu thereof "41°54'35" N., 70°43'45" W." Following the words "to the VOR" insert, "and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN 41°54'32" N., 70°44'11" W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN."

[F.R. Doc. 69-1846; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-127]

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

Alteration of Transition Area

On page 18628 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed amendment which would alter the Great Barrington, Mass., transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., April 3, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 31, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the last sentence in the description of the Great Barrington, Mass., transition area.

[F.R. Doc. 69-1847; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 69-EA-4]

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

Alteration of Transition Area

The Federal Aviation Administration has recently published an airspace rule altering the Norfolk, Va., transition area with an effective date of March 6, 1969. A review has indicated that the added description failed to indicate the name of the airport with which the description was related. This rule, thus, is being promulgated to add the Langley Air Force Base, Hampton, Va., to correct the deficiency.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Hampton, Va., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend Airspace Docket 68-EA-101 by adding in the description in Item 1, "Langley AFB, Hampton, Va. [37°05'05" N., 76°21'25" W.]" after the words "5 miles northwest of the".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 31, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-1848; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 68-WE-96]

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

Designation of Transition Area

On January 4, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 155) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at McCall, Idaho.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 1, 1969.

Issued in Los Angeles, Calif., on February 4, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (33 F.R. 2137) the following transition area is added:

MCCALL, IDAHO

That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

[F.R. Doc. 69-1849; Filed, Feb. 12, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-115]

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

Designation of Transition Area

On page 18629 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed amendment which would designate a 700-foot transition area over Easton Municipal Airport, Easton, Md.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901, G.m.t., April 3, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 31, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Easton, Md., transition area described as follows:

EASTON, MD.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (38°48'25" N., 76°04'15" W.) of Easton Municipal Airport, Easton, Md., and within 2 miles each side of the 038° bearing from the Easton RBN (38°48'25" N., 76°04'05" W.), extending from the 6-mile radius area to 8 miles northeast of the RBN.

[F.R. Doc. 69-1850; Filed, Feb. 12, 1969; 8:49 a.m.]

[Docket No. 6055, Amdt. 93-14]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Subpart G—Spirit of St. Louis—Lobmaster Airport Traffic Area

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to revoke the special rules applicable to the Spirit of St. Louis and Lobmaster Airports in Missouri.

On September 2, 1964, the Federal Aviation Agency promulgated Subpart G to Part 93 of the Federal Aviation Regulations (29 F.R. 12763) establishing special rules for Lobmaster and Spirit of St. Louis Airports. The proximity of these airports was such that simultaneous operations could not be safely conducted in accordance with normal flight procedures and special regulatory action was required.

The Federal Aviation Administration has been notified pursuant to Part 157 of the Federal Aviation Regulations that Lobmaster Airport has been abandoned and that flight operations will no longer be conducted from this airport. Therefore, Subpart G of Part 93 of the Federal Aviation Regulations may be revoked.

Because the special Air Traffic Rules concerning the Spirit of St. Louis—Lobmaster Airport Traffic Area are no longer needed for the safe and efficient use of the airspace, I have determined that compliance with the notice and public procedure requirements of 5 U.S.C. 553 is unnecessary. Since this amendment is relaxatory in nature and relieves a burden on the public, it may be made effective immediately.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended, effective February 13, 1969, by revoking Subpart G, "Spirit of St. Louis—Lobmaster Airport Traffic Area" in its entirety.

(Secs. 307, 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on February 5, 1969.

OSCAR BAKKE,
For the Acting Administrator.

[F.R. Doc. 69-1851; Filed, Feb. 12, 1969; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-554, Amdt. 6]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for AW-650 Aircraft in Logair and Quicktrans Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1969.

On September 27, 1968, by notice of rule making EDR-148 (33 F.R. 14785), the Board proposed to amend Part 288 of the economic regulations, effective on the date of the notice, to set new minimum rates for AW-650 (Argosy) aircraft in Logair and Quicktrans services.

Comments were filed by Universal Airlines, Inc., and Saturn Airways, Inc. In its comments, Universal stated that although it did not agree with certain principles used by the Board in arriving at the new rates, it would not formally object since the AW-650 had not been selected for Logair or Quicktrans contracts for fiscal year 1969. In a later filing, dated December 23, 1968, Universal represents that due to late delivery to it of L-188 aircraft in cargo configuration, the AW-650 is now being used in Logair service, and that it will not object to the proposed reduced rates since a final rate for the AW-650 is now required, although it is still not in complete accord with the principles set forth in the proposed rule making.

Saturn objects to the establishment of new minimum rates primarily for the reason that the lowering of the Argosy rates may have an adverse competitive impact on MAC use of Saturn's DC-6 aircraft for substitute service, extra-section flights, or revised route patterns, and may influence DoD guidelines for fiscal year 1970 procurement. The carrier also alleges that it has serious problems with the Board's calculations which result in the new proposed rates.

The Board has determined to make final its tentative findings and conclusions as set forth in EDR-148 and to establish the proposed minimum rates as set forth therein. While these rates are lower than requested by Universal, that carrier has not alleged any specific error in our proposal.[1] Saturn has furnished no data to support any contention of significant competitive impact on its DC-6 operations which might result from lower rates for the Argosy. So far as its challenge to the proposed rates themselves is concerned, the only changes in the rates proposed by the Board are those stemming from the impact of a sharp reduction in the cost of an enlarged Argosy fleet on the plane mile costs for depreciation and return elements. All other Argosy statistical and cost elements remain as proposed in the notice of rule making EDR-134 which was made final without objection in ER-537, establishing the current rates.

The difficulties Saturn has with the computations seem basically to stem from a misapprehension of the principles used and the techniques employed. First, Saturn raises a question with respect to the appropriate acquisition cost figures to be used in computing depreciation of the Argosy fleet, indicating that the proper adjusted cost for the first six aircraft is $8,234,507 rather than the $5,219,700 figure used by the Board. However, as pointed out in the notice of rule making (EDR-148, note 2), the acquisition cost figures used for the aircraft are, in all instances, the full cost exclusive of interest expense, which is not properly includable in the principal amount as cost of the equipment.[2] Second, Saturn's contention that the acquisition price must be increased to include the cost of a full overhaul as part of depreciable cost is incorrect. To the contrary, the general rule is that any capitalized overhaul cost must be excluded from depreciable cost since the cost of a built-in overhaul is separately chargeable to maintenance expense.

The carrier also questions the number of aircraft used, the miles flown, and the utilization figures reflected in our depreciation calculations. The proposed unit depreciation cost has been based on the flight pattern, average miles per aircraft, and average utilization per day used in the current rule (ER-537). For the purpose of determining unit costs, the Board, as a matter of long-standing policy in MAC costing, has used the average acquisition cost for the entire fleet of the aircraft type used in MAC services and owned by the carrier, rather than the cost of specific aircraft selected with a view toward attributing to MAC costs higher or lower than the average. Further, contrary to Saturn's assertion that our computation reflected different mileage for individual aircraft, in order to determine average unit costs we employed the annual average of 803,367 revenue aircraft miles per aircraft (used in establishing the current Argosy rate) for all eight aircraft now available for MAC service.[3] By the same token, the

---

[1] In a letter dated Jan. 30, 1969, Saturn urges that since Universal seeks a higher minimum linehaul rate for the Argosy for fiscal year 1970 than the rate proposed in EDR-148 (for fiscal year 1969), no justification exists for the latter rate. We find no merit in this contention.

[2] Interest expense was excluded from the "cost per original agreement" and "depreciation to June 30, 1968" figures shown in the appendix to EDR-148. In addition, the cost which remains to be paid under the renegotiated agreement included interest expense which was excluded in computing the "debt forgiven in renegotiation" figure set forth in that appendix. This is consistent with the principles employed in computing the unit depreciation costs reflected in the rates for the several aircraft covered by the current Part 288.

[3] Saturn's assertion that a lower figure was used for the two aircraft placed in service in November 1968 ignores the note to the appendix to EDR-148 which indicates that depreciation expense for those aircraft was prorated to reflect use over the 7½ months remaining in fiscal year 1969.

9-hour per day utilization figure reflected in the current rate has been used, since this is consistent with Universal's historical system utilization for the Argosy, and the MAC services should not be burdened by a decrease below this attainable figure.[4] Saturn's challenge to other unit costs presents no data to support any significant change from the costs currently used.

Finally, Saturn argues that as a matter of policy no change should be made in the Argosy rate because of the precedent that would be established of permitting changes after the annual rate review. But no broad precedent is intended to be established by the instant minimum rate revision. The instant change is prompted by the unusual situation that after the current rule was established basic facts of material significance upon which the Board had relied (1) were demonstrated to be in error and (2) had not been firmly altered until after promulgation of the current rule. If the alteration in the facts—the substantial reduction in equipment costs—were not recognized, the Government would be obliged to pay a rate reflecting nonexistent costs. In these narrow circumstances, and in the absence of any significant adverse competitive impact on Saturn, we believe that a decrease in the minimum rate is fully warranted. We also note that these rates will, in the normal course, be shortly subject to review in connection with the fiscal 1970 procurement.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective September 27, 1968, by revising § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
* * *	* * *	* * *	* * *
AW-650	1.2654	1.3124	100
* * *	* * *	* * *	* * *

[4] Saturn interposed no objection to this daily utilization when it appeared in the notice of rule making (EDR-134) on which the current rule (ER-537) was based. Universal's recent AW-650 aircraft utilization history, furnished to the Board in connection with the MAC rate review or under Part 243, is as follows:

	Hours
Fiscal year 1967	6.9
July-September 1967	8.8
October 1967	9.0
November 1967	8.6
December 1967	9.2
January-March 1968	9.2
April-June 1968	9.4

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-1881; Filed, Feb. 12, 1969; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Imported Electronics Equipment

§ 15.323 Disclosure of imported electronics equipment.

(a) Rather than labeling an imported product as "made" in a certain foreign country, the Commission said it would interpose no objection to a disclosure which stated that the merchandise was a "product" of a certain foreign country.

(b) The advisory opinion was rendered in response to a request from an importer of electronics equipment which enters the United States in a completely finished state. Included in the equipment are radios, tape recorders, transceivers, etc.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: February 12, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-1793; Filed, Feb. 12, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-48]

PART 16—LIQUIDATION OF DUTIES

Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of January 1969 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of January 1969, of approved fruit products and other approved products containing sugar amounts to Australian $99.40 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $99.40 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68-290 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: February 3, 1969.

MATTHEW J. MARKS, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 69-1876; Filed, Feb. 12, 1969; 8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

COCHINEAL EXTRACT; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing and exempting from certification cochineal extract for use in or on foods and drugs:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399-403, as amended; 21 U.S.C. 376 (b), (c)(2), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 14, 1968 (33 F.R. 18577). Accordingly, the regulations (21 CFR 8.317, 8.6009) as revised by that order will become effective February 12, 1969.

2. Effective February 12, 1969, § 8.501 *Provisional lists of color additives* is amended by deleting "Carminic acid (cochineal extract)" from paragraphs (e) and (f).

Dated: February 6, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1825; Filed, Feb. 12, 1969; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chloroneb

A petition (PP 8F0657) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of tolerances for total residues of the fungicide chloroneb (1,4-dichloro-2,5-dimethoxybenzene) and its metabolite 2,5-dichloro-4-methoxyphenol (calculated as chloroneb) in or on the raw agricultural commodities: Cotton forage and vines (forage) of beans and soybeans at 2 parts per million; and beans, cottonseed, soybeans, and sugar beets (roots and tops) at 0.1 part per million.

Subsequently, the petitioner amended the petition by proposing additional tolerances for such residues in: Meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.2 part per million; and milk at 0.05 part per million

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of chloroneb or its metabolite occurring in the edible tissues and byproducts of poultry fed the above-named commodities, tolerances are unnecessary regarding poultry or eggs. The usage is classified in the category specified in § 120.6 (a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.257 Chloroneb; tolerances for residues.

Tolerances are established for residues of the fungicide chloroneb (1,4-dichloro-2,5-dimethoxybenzene) and its metabolite 2,5-dichloro-4-methoxyphenol (calculated as chloroneb) in or on raw agricultural commodities as follows:

2 parts per million in or on cotton forage and vines (forage) of beans and soybeans.

0.2 part per million in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

0.1 part per million (negligible residue) in or on beans, cottonseed, soybeans, and sugarbeets (roots and tops).

0.05 part per million (negligible residue) in milk.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 5, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1824; Filed, Feb. 12, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-166]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

NARRAGANSETT BAY, R.I.

1. The Commander, 1st Coast Guard District, Boston, Mass., by letter dated November 25, 1968, has requested changes in the description of the boundaries of Anchorage B. Narragansett Bay, R.I. The reason for the request is to eliminate the reference to the northerly end of the pier on the northwesterly end of Gould Island and to clarify the referenced position.

2. The purpose of this document is to clarify the description of existing Anchorage B in Narragansett Bay, R.I., in 33 CFR 110.145(a)(2), by eliminating the reference to the pier on the northwesterly end of Gould Island which cannot be seen from the anchorage, and adding geographic coordinates on the easterly end of Gould Island.

3. Because the amendment to the regulations in this document is nominal only, it is hereby found that the Coast Guard is exempt from compliance with respect to the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements).

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) by the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR 110.145(a)(2) is amended to read as follows, to become effective on and after the date of publication of this document in the FEDERAL REGISTER:

§ 110.145 Narragansett Bay, R.I.

(a) * * *

(2) *Anchorage B.* Off the west shore of Aquidneck Island to north of Coggeshall Point, northerly of a line ranging 075° from a point on the easterly end of Gould Island, latitude 41°32'13", longitude 71°20'40.5", toward the shore of Aquidneck Island; east of a line ranging 019° from the easternmost of the Dumplings to latitude 41°36'16", longitude 71°17'48"; thence northeast to latitude 41°36'53", longitude 71°17'07.5"; thence east to latitude 41°36'53", longitude 71°16'40"; thence southwesterly to latitude 41°35'54", longitude 71°17'17.5"; thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the cable area in the vicinity of Coggeshall Point.

* * * * *

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

Dated: February 6, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-1842; Filed, Feb. 12, 1969; 8:49 a.m.]

SUBCHAPTER J—BRIDGES

[CGFR 69-2]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pend Oreille River, Idaho

1. The Northern Pacific Railway Co. by letter dated July 25, 1967, requested the Seattle District, Corps of Engineers to revise the special operation regulations for their drawbridge across the Pend Oreille River, Sandpoint, Idaho. A public notice dated August 21, 1967, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Seattle District, Corps of Engineers and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal, the revision is accepted. The purpose of this document is to revise the

requirements in 33 CFR 117.815 to permit the draw of the Northern Pacific Railway bridge to be maintained in a closed position.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.815 reads as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.815 Pend Oreille River, Idaho; bridge of Northern Pacific Railway Co. near Sandpoint.

The draw need not be opened for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Dated: February 6, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-1872; Filed, Feb. 12, 1969; 8:51 a.m.]

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-150]

PART 110—ANCHORAGES

Subpart B—Anchorage Grounds

NEW YORK HARBOR, N.Y.

Correction

In F.R. Doc. 69-1148 appearing at page 1381 of the issue for Wednesday, January 29, 1969, in § 110.155(m)(3), line 6, after "620 yards;" insert "thence 002°, 1,250 yards;".

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Certain Wildlife Refuges in Montana

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

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

General conditions. Fishing shall be in accordance with applicable State regulations except for special conditions listed.

All areas open to fishing are designated by signs and delineated on a map available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Sport fishing is permitted year-round in the Missouri and Musselshell Rivers and Port Peck Reservoir.

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

Sport fishing is permitted only on the area designated by signs as open to fishing. This area comprises 750 acres in the west end of Medicine Lake.

NATIONAL BISON RANGE

National Bison Range, Moiese, Mont. 59824.

Sport fishing is permitted only on the Jocko River south of the Big Game Fence.

NINEPIPE NATIONAL WILDLIFE REFUGE

Ninepipe National Wildlife Refuge (Headquarters: National Bison Range, Moiese, Mont. 59824).

Sport fishing is permitted on Ninepipe Reservoir as posted.

Special conditions:

1. All islands are closed to fishing or trespass.

2. No ice fishing shelters may be left overnight.

PABLO NATIONAL WILDLIFE REFUGE

Pablo National Wildlife Refuge (Headquarters: National Bison Range, Moiese, Mont. 59824).

Sport fishing is permitted on Pablo Reservoir as posted.

Special conditions:

1. All islands are closed to fishing or trespass.

2. No ice fishing shelters may be left overnight.

RAVALLI NATIONAL WILDLIFE REFUGE

Ravalli National Wildlife Refuge, No. 5, Third Street, Stevensville, Mont. 59870.

Sport fishing is permitted in the Bitterroot River, which borders the refuge for about 2¾ miles, and in Burnt Fork Creek.

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

Sport fishing is permitted as posted from June 16 through November 30, 1969. Areas closed entire year: Upper and Lower Red Rock Lakes; Swan Lake; Red Rock River between Upper and Lower Red Rock Lakes; Shambow Pond; and all waters within 100 yards of these areas.

Special condition: Boats with motors are prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through April 30, 1970.

TRAVIS S. ROBERTS,
Deputy Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 3, 1969.

[F.R. Doc. 69-1837; Filed, Feb. 12, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

Wildlife Refuges in Florida and Certain Other States

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

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

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 36,506 acres are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) The sport fishing season extends from the date of this publication through November 26, 1969.

(2) Fishing may be prohibited at certain times in all or part of Mosquito Lagoon and Banana Creek when safety and operational factors by NASA so require. At such times the area will be posted as closed. Bank fishing along Banana Creek is prohibited.

(3) Fishermen may not leave fishing rods and/or poles unattended.

(4) Air-thrust boats are prohibited. Inboard and outboard boats are permitted in the waters open to fishing, except in areas specifically designated by suitable posting by the refuge officer-in-charge as closed to motor boat operation.

(5) Access will be permitted only during the period from 1 hour before sunrise to 1 hour after sunset.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through November 26, 1969.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 44,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh

Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1969, through October 15, 1969, on the St. Marks and Wakulla Units, and from March 1, 1969, through October 15, 1969, on certain designated areas of the Panacea Unit north of Highway No. 372. The area south of Highway No. 372 on the Panacea Unit will remain open through December 31, 1969.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 3½ horsepower and electric motors are permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

LOUISIANA

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Sulphur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1969, through October 15, 1969.

(2) Fishermen must not enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters by 45 minutes after sunset.

(3) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(4) Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees except in Pool 1b. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(5) Boats with outboard motors no larger than 10 horsepower permitted in refuge lakes and impoundments. No size restriction on boats and motors in the canals and bayous.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through October 15, 1969.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Ala., is permitted only on the areas designated by signs as open to fishing. These open areas are shown on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport Fishing shall be in accordance with applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through November 30, 1969.

(2) Fishing is permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 30, 1969.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends year-round except closed during waterfowl season.

(2) Fishing is permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1969.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Ark., is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from July 15, 1969, through October 15, 1969.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 5½ horsepower are prohibited. No boats are allowed in the woody ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines are prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait are prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure, and boat dock which is located behind the refuge headquarters. The provisions of this special regulation supplement the regulations which govern fishing on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

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

FEBRUARY 7, 1969.

[F.R. Doc. 69-1867; Filed, Feb. 12, 1969; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 116; Motor Vehicle Hydraulic Brake Fluids

Correction

In F.R. 69-4 appearing at page 113 of the issue for Saturday, January 4, 1969, make the following changes:

1. In S 4.2(e), line 8, the reference to "0.55°" should read "0.05°".

2. In S 4.2(m), line 1, the word "Similated" should read "Simulated".

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U.S.C. 385; 39 Stat. 142; and 45 Stat. 210; U.S.C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director (10 BIAM 3), notice is hereby given of the intention to modify § 221.30 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project. This amendment to be effective for the irrigation season of 1969 which begins April 1, 1969, and thereafter until further notice.

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed for calendar year 1969 and each succeeding year until further order (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project, at $2.65 per acre against lands in Indian ownership not under lease to a non-Indian, and at $5.17 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; (b) for the Three Mile Unit at $3.20 per acre against lands in Indian ownership not under lease to a non-Indian, and at $5.72 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; and (c) for the Brown Unit at $2 per acre for Indian and non-Indian owned lands; and (d) for the Peoples Creek (Hays) and Ereaux Units at $2 per acre for Indian and non-Indian owned lands.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont. 59101, within 30 days of publication of this notice in the FEDERAL REGISTER.

NED O. THOMPSON,
Acting Area Director.

[F.R. Doc. 69-1838; Filed, Feb. 12, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1071, 1104, 1106]

[Dockets Nos. AO-227-A23, AO-298-A15, AO-210-A27]

MILK IN NEOSHO VALLEY, RED RIVER VALLEY, AND OKLAHOMA METROPOLITAN MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Neosho Valley, Red River Valley, and Oklahoma Metropolitan marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Tulsa, Okla., on January 9, 1969, pursuant to notice thereof which was issued December 30, 1968 (34 F.R. 78).

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

1. Pooling standards for distributing plant under the Oklahoma Metropolitan order;

2. Pricing series to be used under the Oklahoma Metropolitan and Neosho Valley orders in lieu of a series to be discontinued; and

3. The exemption from regulation under the Oklahoma Metropolitan order of a plant operated by a governmental agency.

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

1. *Oklahoma Metropolitan distributing plants.* The requirement that a distributing plant dispose of 50 percent or more of its Grade A receipts (or those otherwise qualified) of milk from dairy farmers and from other pool plants as Class I milk on routes should be modified to credit all Class I disposition of the plant toward meeting the 50 percent requirement. Performance requirements for pool status of both distributing and supply plants should be contained in the pool plant definition of the order rather than in the definitions of distributing plant and supply plant.

The Oklahoma Metropolitan order presently requires that a distributing plant dispose of 50 percent of its receipts of inspected milk from dairy farmers and of Grade A milk from other pool plants as Class I milk on routes if it is to be a pool plant. The principal producers' organization supplying the market proposed that the 50 percent requirement specify only disposition as Class I milk without requiring that such disposition be on routes. No testimony was offered in opposition to this proposal. Pending the opportunity to consider the proposal at this hearing the "on route" requirement has been suspended since December.

For the months of May through August 1968, a Tulsa plant which had been pooled since 1950 under the Oklahoma Metropolitan order or its predecessors operated as a partially regulated plant under the terms of the order. During this period this plant apparently failed to dispose of 50 percent of its receipts as Class I milk on routes. At the same time it moved bulk milk to plants operated under other orders by the same handler. Proponents believe that had the Class I use of these shipments been considered the plant would have been pooled in these months.

When the plant is not pooled under the Oklahoma Metropolitan order not only its sales in that marketing area but also the milk shipped to other order areas and there assigned to Class I milk becomes subject to only partial regulation. Proponents maintained that full regulation should apply whenever Class I utilization equaled 50 percent of receipts.

Under the circumstances prevailing in the Oklahoma Metropolitan area, use of total Class I disposition rather than only route disposition in combination (other

pooling requirements) provides a practicable means of distinguishing the distribution plants to be fully regulated by the order. It is, therefore, concluded that the proposal for such change should be adopted.

The present order includes in the definitions of "distributing plant" and "supply plant" not only the functions of such plants but the performance requirements which result in pool status. Nonpool "partially regulated distributing plant" and "unregulated supply plant" are also defined despite the fact that they do not meet the respective definitions of "distributing plant" or "supply plant." To avoid this conflict the performance standards have been transferred to the "pool plant" definition. This will not change the requirements for pool status of any supply plant, and will affect the pool status of distributing plants only as set forth heretofore in this decision.

2. *Pricing series to be used in determining the Class II price of the Oklahoma Metropolitan and Neosho Valley orders.* In lieu of the "three-product" manufacturing price series, the Oklahoma Metropolitan Class II price should use the average price for milk for manufacturing purposes f.o.b. plants, United States adjusted to a 3.5 percent butterfat basis by the Class II butterfat differential of the order. No change should be made on the basis of this record in the seasonal 10-cent-per-hundredweight reduction applicable to milk, skim milk and cream used in the manufacture of American cheese, butter and nonfat dry milk. The Class II price of the Neosho Valley order should be the basic formula price for the month.

The Oklahoma Metropolitan and Neosho Valley orders each use as a Class II price determinant the average price reported by the Department for the current month for milk used in the manufacture of American cheese, evaporated milk and butter, and byproducts, f.o.b. plants, United States. The Class II price of the Red River Valley order is determined by that of the Oklahoma Metropolitan order. The Statistical Reporting Service of the Department has announced that the "three-product" price series will be discontinued after announcement of the price for March 1969.

Although the same price series is used in each of the orders the resulting price at the common 3.5 percent basic butterfat content of each order is not the same. The price is announced at the average test of manufacturing milk delivered, which varies seasonally, but on an annual average is close to 3.7 percent. The orders differ in the way in which this price at test is converted to a 3.5 percent basis. As a result the Neosho Valley price has exceeded the Oklahoma Metropolitan price by an average of about 8 cents per hundredweight over the past 3 years.

Milk Producers, Inc., which represents producers under both orders, proposed in the notice of hearing that the average price for milk for manufacturing purposes, f.o.b. plants, United States, be substituted for the "three-product" price series in both orders, to be adjusted to a 3.5 percent basis by the Class II butterfat differential, the method used under the Oklahoma Metropolitan order. At the hearing, however, they supported the testimony of Mid-America Dairymen, a cooperative representing producers under the Neosho Valley order, that the Class II price under that order be the basic formula price. This price is that paid for milk of manufacturing grade in the States of Minnesota and Wisconsin, adjusted to a 3.5 percent basis by a butterfat differential equal to 0.12 times the Chicago butter price. It was also proposed that the local plant pay prices used as an alternative price under the Neosho Valley order be eliminated. No testimony in opposition to these proposals was offered at the hearing. By question and by brief one handler with plants subject to each order requested deletion of the Oklahoma Metropolitan provision which prices milk made in the manufacture of American cheese, butter and nonfat dry milk at 10 cents less than the Class II price during the months of March through August. Other handlers requested consideration of alignment of Class II prices with those of other orders not involved in the hearing.

Producer representatives testified that they are now studying proposals that might apply to pricing reserve milk under these and other orders in which they represent producers. While such studies are in progress they supported substitution of price series which would most nearly continue the level of prices that had resulted under the "three-product" price series.

For the years 1966–1968 inclusive, the Oklahoma Metropolitan Class II 3.5 percent price, as computed from the three-product series, averaged $3.92. The U.S. manufacturing price series averaged $3.93 for the same period. The Neosho Valley Class II price for the same period averaged $4 and the basic formula price averaged $4.03. It can thus be seen that the U.S. average manufacturing milk price corresponds very closely with the Oklahoma Metropolitan price, and that the basic formula price corresponds more closely with the Neosho Valley price than any of the other price series under consideration at the hearing.

The record of this hearing provides little opportunity to align Class II prices of these orders with those of other Southwestern orders. In view of the likelihood of further hearings resulting from the studies now being made by cooperative associations, action on this record should be restricted to carrying forward approximately the present price levels. This can be accomplished by use of the respective price series specified above. The Neosho Valley alternative local plant price (to which 20 cents per hundredweight are added) has been the effective price only 1 month (January 1966) of the past 3 years. Since it has not been an effective price-making factor, its use should be discontinued.

3. *Exemption of governmental agency plant.* A governmental agency which operates a plant that processes or packages milk distributed as fluid milk products in the area should be exempt from the Oklahoma Metropolitan order.

Fluid milk products transferred or diverted to such plants from a pool plant should be classified as Class I. Fluid milk products received at a pool plant from such exempt plants should be first allocated to Class II uses. These are the order terms that now apply to current movements of milk between pool plants and producer-handler plants, except that diversion would be permitted to exempt plants of governmental agencies.

The Oklahoma State University, now operating as a producer-handler, proposed that it be exempt from the provisions of the Oklahoma Metropolitan order. The University operates a processing plant and a dairy farm at Stillwater, Okla. Distribution of fluid milk products packaged in the plant is limited to the campus boundaries. Milk supplemental to the production of the dairy herd is obtained from a cooperative association acting in its capacity as a handler under the Oklahoma Metropolitan order. These purchases averaged approximately 47,000 pounds monthly in the September through December 1968 period. In some months milk excess to the fluid needs of the University is disposed of to pool plants operated by the cooperative.

The dairy farm and plant of the University are operated for the purposes of carrying out a recognized function of the State of Oklahoma. The production and processing facilities are used and deemed necessary for research and educational requirements of the University. The operations of the University are subject to the control of the public citizenry acting through the various levels of government. It would be inappropriate to regulate the University plant in the same manner as plants of other handlers. The Oklahoma State University plant and the plant of any other governmental agency similarly situated should be exempt from regulation.

There are other educational, mental, and penal institutions in the vicinity of the marketing area maintaining herds and bottling facilities to furnish milk to their residents. Detailed information on receipts and sales of milk at these agencies was not presented on the record. However, it is not the practice of these agencies to sell milk in commercial channels in competition with handlers or with producers. Should any such plants dispose of milk in the marketing area they should likewise be exempt.

Prior to September 1968, the Oklahoma State University plant received supplemental milk from a pool plant located at Stillwater, Okla., operated by the principal cooperative association. This plant was closed in August requiring that supplemental receipts be transferred from cooperative association pool plants at either Enid or Oklahoma City, both of which are approximately 70 miles from the University plant.

Exempting the University plant from the Oklahoma Metropolitan order would permit the cooperative association to deliver to such plant from nearby dairy farms, thus reducing transportation costs. This could be either by diversion

from a pool plant to the University plant, or by delivery from farms of milk not regulated by the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and order amending the orders. The following order amending the orders as amended regulating the handling of milk in the Oklahoma Metropolitan and Neosho Valley marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

1. In § 1106.7, paragraph (c) is revised to read as follows:

§ 1106.7 Distributing plant.

* * * * *

(c) Which receives milk from dairy farmers who would be producers if such plant qualified as a pool plant, or Grade A milk in bulk from other pool plants, and disposes of fluid milk products on routes in the marketing area.

2. Section 1106.8 is revised to read as follows:

§ 1106.8 Supply plant.

"Supply plant" means a plant that receives milk from dairy farmers who would be producers if such plant qualified as a pool plant and from which fluid milk products are shipped to a distributing plant.

3. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products; and

(2) 5 percent as fluid milk products on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * *

4. In § 1106.51(b), the introductory text preceding the proviso therein is revised to read as follows:

§ 1106.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the average price for milk for manufacturing purposes, f.o.b. plants, United States as reported by the Department on a preliminary basis for the month, adjusted to 3.5 percent butterfat by the Class II butterfat differential specified in § 1106.52(b): * * *

5. A new § 1106.63 is added to read as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

In § 1071.51, paragraph (b) is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

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

Signed at Washington, D.C., on February 10, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-1856; Filed, Feb. 12, 1969; 8:50 a.m.]

[7 CFR Part 1130]

[Docket No. AO-259-A19]

MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Tex., on August 20-21, 1968, pursuant to notice thereof issued on July 31, 1968 (33 F.R. 11083).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on January 8, 1969 (34 F.R. 466; F.R. Doc. 69-397) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 466; F.R. Doc. 69-397) are hereby approved, adopted, and are set forth in full herein subject to modification of paragraph 8 of Issue 4 and minor typographical changes:

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

1. Changing distribution of returns to producers from individual-handler pools to a marketwide pool;

2. Plant pooling requirements appropriate for a marketwide pool;

3. Treatment of unpriced and other order milk;

4. Producer-handler definition;

5. Diverted milk;

6. Classification changes;

(a) Use of a separate class for milk used in cottage cheese instead of the present additional charge for milk so used;

(b) Classification of packaged fluid milk products in inventory;

(c) Butterfat in fluid milk products dumped;

(d) Shrinkage allowance on diverted milk;

(e) Plant accounting;

7. Classification and payment for cooperative bulk tank milk;

8. Class I prices and location differentials;

9. Plants regulated under other orders; and

10. Associated changes.

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

1. *Changing distribution of returns to producers from individual-handler pools to a marketwide pool.* The order should be revised to provide for the marketwide pooling of returns to producers.

Under the present individual-handler pooling each handler pays his producers a uniform price based on his utilization of their milk at the applicable class prices. Producers supplying different handlers in the market receive different uniform prices because of the varying proportions of milk utilized in each class by handlers.

The major cooperative representing about 72 percent of the producers on the market proposed replacing individual-handler pooling with marketwide pooling. It contends marketwide pooling would achieve more stable and orderly marketing conditions by enabling all producers to share proportionately in the returns from the Class I sales of all handlers.

All producers delivering to Corpus Christi regulated plants contribute toward supplying the fluid milk requirements of the entire market and meet the same basic quality and health requirements for milk to be distributed as Class I sales throughout the marketing area.

Under marketwide pooling a producer supplying the order market is assured a return for his milk based on his pro rata share of the total Class I sales of such market. The uniform price paid to producers each month will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers. Hence, except for adjustments for variations in butterfat content and point of delivery, all producers will receive the same uniform price for their milk irrespective of the use made of it by the handler to whom they sell. Handlers' costs, of course, will not be affected by the change to marketwide pooling since the class prices which they pay for their milk will not be changed.

The major cooperative in this market has, since 1958, disposed of the reserve supplies of producer milk that are not needed, or accepted by handlers in the market. The cooperative operates a "market equalization" plant at Falfurrias, Tex. It uses this plant and its facilities to collect excess milk for shipment to distant nonpool plants for manufacturing uses. The cooperative also diverts milk directly from farms to nonpool plants. When the cooperative disposes of excess milk, it receives prices approximating only the Class II price of the order. Under the individual handler pool arrangement in this market such lower returns are shared only among cooperative members and thus, there has not been an equitable sharing among all producers in the market of the lower returns from excess milk which must be disposed of in manufactured dairy products.

Under the present pooling provisions a wide disparity exists between prices paid to producers at different plants. Adjusted for location to a common point in the market, the difference between the highest and lowest monthly prices paid to producers by handlers during 1967 and 1968 has varied from 22 cents to $1.65 per hundredweight. In recent months this variance in prices has become more pronounced. In December 1967 the difference was 53 cents per hundredweight between the prices paid by the highest-paying handler and the lowest-paying handler. In four of the first 7 months of 1968 through July such price disparities between handlers have been in excess of $1 per hundredweight. In the most recent month for which figures were presented, the price disparity between the highest-paying handler and lowest was $1.65.

A number of Corpus Christi handlers limit their purchases to about their Class I needs and depend upon the cooperative to dispose of any excess milk. Producers who are not members of the cooperative receive a uniform price for milk which reflects the high Class I use of handlers purchasing their milk. On the other hand, cooperative members receive a uniform price that includes a return on milk transferred and diverted to manufacturing plants for the account of the cooperative. Milk so diverted in 1967, when 178 million pounds of producer milk were pooled, totaled 12 million pounds. In the first 7 months of 1968 such diversions had already amounted to nearly 11 million pounds, slightly more than 10 percent of all producer milk under the order for the period.

In the past few years there have been many instances when handlers have had more than an adequate supply of milk at certain times. In such cases handlers have dropped producers from their plants and the cooperative has been asked to market their milk. The same handlers have often requested that additional producers be made available to deliver milk to their plants in the next season of declining production.

It is clear that the principal producer association has carried the reserve milk necessary to provide handlers with their daily and seasonal needs for Class I use. In addition to disposing of reserve supplies it has furnished supplemental milk when needed. Part of this supplemental milk has been furnished through its balancing plant and part has been imported from other markets.

There is need for a more efficient pooling system in the Corpus Christi market which will distribute equally among all producers the higher returns from the Class I sales of the market and the lower returns from the disposal of the reserve milk necessarily associated with such Class I sales. A marketwide pool will accomplish these objectives.

A marketwide pool will contribute to more orderly marketing by enabling the cooperative to move milk among the various plants throughout the marketing area to obtain the optimum utilization of producer milk for the whole market. Each producer's share of the Class I sales in the market is now limited to the Class I sales of the handler to whom he ships. Under a marketwide pool every producer on the market will share equally in the total Class I sales of the whole market. This will facilitate the efficient movement of milk to obtain the highest Class I utilization of all producer milk.

For the above reasons a marketwide pooling system should be incorporated in this order for distributing returns from the sale of milk to producers.

Two handlers and one producer opposed the change to marketwide pooling. One handler opposed a marketwide pool because of his belief that it would result in pooling milk not needed for Class I sales plus a reserve. However, his testimony was directed primarily toward the need for adequate pool plant performance standards. He was also concerned about possible disrupted marketing conditions which he alleged prevailed under a marketwide pool in another market. There is no evidence disruptive conditions would result in Corpus Christi under marketwide pooling.

Another handler wished to be exempt from marketwide pooling so that his proceeds from the Class I sales of milk would be retained for producers delivering to his plant and not be shared equally with all other market producers.

A producer testified in favor of continuation of the present pooling system because he believed it contributed to better quality milk production. There is, however, no evidence that premium payments based upon quality have been used as a means of promoting quality production. The proposed change in the method of pooling has no relation to quality programs in effect between handlers and producers. These are not, of course, adequate bases for retaining the present method of pooling in view of the inequitable and inefficient situation which has developed and which is rapidly getting worse.

2. *Plant pooling requirements appropriate for a marketwide pool.* Changing from individual-handler to marketwide pooling necessitates a different basis for establishing which plants shall be subject to regulation under the order.

It is essential to the operation of a marketwide pool to establish minimum performance requirements to distinguish between those plants which serve the fluid needs of the market and those plants which do not. Otherwise, the proceeds of Class I sales would be dissipated by including in the pool additional quantities of milk which may be acquired by handlers primarily for manufacturing uses. Unless performance standards for plants are adequate, benefits could accrue to handlers whose producers do not regularly and dependably serve the fluid milk needs of consumers in the marketing area. Without such standards, the uniform price of the market could be depressed to the point that it would not attract an adequate supply of milk for

the fluid needs of the market without a Class I price higher than necessary.

The present order, as do other individual-handler pool orders, provides very minimum performance standards. At present a distributing plant qualifies as a fluid milk plant or "pool plant" by disposing of at least an average of 1,000 pounds of Class I milk per day or more than three percent of its Grade A receipts, whichever is less, on routes in the marketing area. A supply plant qualifies for pooling by shipping any amount of milk to a pool distributing plant in any month of February through July, or in excess of 5,000 pounds per day on a milk equivalent basis in any of the other months of the year.

Under marketwide pooling, the present standards for pooling are inadequate to insure against plants becoming associated with the market for the sole purpose of drawing money from the pool without contributing on a regular and dependable basis to the Class I needs of the market. In order to share in market pool funds it is essential that plant operators deliver milk to the market in amounts sufficient to contribute to adequate and dependable market supplies. The establishment of marketing performance standards for pool plants also minimizes the effect of regulation on handlers who may have only a minor proportion of their distribution in the marketing area. They do this by exempting such handlers from full regulation.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards must be provided for each type. A "distributing plant" would be a plant from which Grade A fluid milk products are disposed of during the month on a route in the marketing area. "Supply plant" would mean a plant from which Grade A milk is shipped during the month to a distributing plant. These are essentially the definitions of the present order.

Only plants primarily engaged in route disposition of fluid milk products should be eligible to qualify as distributing plants. Route disposition of fluid milk products (both inside and outside the marketing area) in any month should be not less than 50 percent of its total receipts of Grade A fluid milk products. It would be inappropriate to qualify under this order as a pool plant any distributing plant from which less than one-half of its Grade A receipts is disposed of on routes. Any plant which does not qualify on this basis is not primarily engaged in fluid business. Its pool status should be judged by the standards applied to supply plants.

In order to qualify as a pool plant under the revised order, a distributing plant should also demonstrate its association with the Corpus Christi market by substantial route disposition of fluid milk products within the Corpus Christi marketing area. Disposition of 10 percent of its total Grade A receipts of fluid milk products on routes in the marketing area will assure adequate association with the market. All plants presently qualified as "fluid milk plants" will meet the pooling requirements for "distributing plants."

A plant from which milk for Class I uses is distributed regularly in the marketing area may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum standards necessary to qualify as a pool plant. From time to time plants supplying milk to the marketing area may not qualify for pool plant status. Handlers operating such plants should be required to file reports and make their records available for audit by the market administrator. Such plants, meeting the "partially regulated distributing plant" definition, also would be subject to regulation hereinafter described.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently milk received directly from dairy farms at distributing plants or cooperative-owned plants is adequate on an annual basis for the fluid milk needs of the market. No supply plants are expected to qualify for pooling. However, performance standards for such plants should be set forth if milk from supply plants is needed at any time.

To qualify for pool plant status a supply plant should ship to pool distributing plants 50 percent or more of its receipts of Grade A milk from dairy farmers and cooperative association bulk tank handlers in the form of bulk fluid milk products. A plant thus shipping the major portion of its receipts from dairy farms to pool distributing plants is making a substantial contribution toward providing an adequate supply for the market. A supply plant with a lesser proportion of its farm milk supply disposed of in this manner should not, under present conditions, be considered to be associated with the Corpus Christi market to a degree that entitles it to share in the pool funds.

If there is any demand from supply plants it would be greater in months of seasonally low production. During months of high production it would be more economical to leave the most distant milk at country points for manufacture while nearby milk is used for fluid needs in distributing plants. The performance standards for supply plants should not require milk to be transported to pool distributing plants in high production months solely to maintain the eligibility of supply plants to remain pooled.

A supply plant which met the pooling requirements by shipping 50 percent or more of its receipts to pool distributing plants in each month of the immediately preceding September through December period should be a pool plant without further shipments in the following months through August. This automatic pool status would not apply if the plant operator elects nonpool plant status, or does not continue to meet the requirements of a duly constituted health authority. If such a plant becomes a nonpool plant, nonpool status shall be effective the first month following notice to the market administrator, or upon loss of health authority approval, and thereafter until the plant again qualifies as a pool plant on the basis of required shipments.

Any plant located in the marketing area that is approved by a duly constituted health authority to receive Grade A milk from dairy farmers and that is operated by a cooperative association should be designated as a pool plant if 50 percent or more of the milk of member producers of such cooperative association is delivered during the month to pool distributing plants of other handlers. Thus, such an association could qualify a plant for pooling either by delivering milk directly from the farm, or by transfer from the cooperative association plant, or both in combination. Dairy farmers delivering milk to such cooperative association plant must, of course, have such milk approved for consumption as Grade A milk to have their milk included in the pool.

The present order provides for a "market equalization plant." The cooperative association operates a market equalization plant at Falfurrias, Tex., in Brooks County, a part of the marketing area. Under present order provisions milk received at the cooperative plant as diversions from fluid milk plants, by movement directly from the farms of producers or as transfers from regulated plants under this order, is priced to the handler operating the regulated plant although the Falfurrias plant is not a regulated plant. The Falfurrias plant serves as a facility at which producer milk not needed by fluid milk plants may be assembled for movement to manufacturing milk plants for processing. It further serves as a market balancing plant at which producer milk not needed by certain handlers may be collected, assembled and made available to other handlers for Class I use, or disposed of in manufactured dairy products.

Under the proposed marketwide pool this market equalization plant would be a pool plant if the above conditions were met. As a pool plant, milk received directly from farms would be priced and pooled as receipts of such plant and would no longer be diverted milk. This change would in no way change the function which the plant performs but will clarify and simplify other provisions of the order. This change would assist the cooperative both in supplying the milk requirements of other handlers in the market and in performing its function of marketing efficiently the milk of its members.

The cooperative plant assists in providing other handlers with the precise amounts of milk which they require and is an outlet for disposal of any excess. Handlers' needs vary widely during the week. Supply requirements increase on heavy bottling days and diminish on other days, particularly on weekends when little or no milk is bottled. The cooperative association usually delivers directly to handlers' plants the milk needed each day and receives at its equal-

ization plant the remainder of the association's supply.

Permitting a cooperative under these conditions to pool the returns of milk which is received at its plant will contribute to orderly marketing. The equalization plant is an integral part of the entire supply arrangement for the Corpus Christi market. This operation assists all producers in realizing the best utilization of available milk supplies because receipts and shipments fluctuate widely. The cooperative-owned plant probably could not meet the minimum pooling requirements for a supply-type plant.

Because of its important function in serving the market, the cooperative-owned plant should be qualified for pooling. Milk received directly at its plant from farms represents a small portion of the total supply of the cooperative. Most of the milk supply is moved by bulk tank delivery to handlers' processing plants. The cooperative should have opportunity to pool the milk at its plant on the basis of the cooperative's total function in supplying the market. Milk moved by the cooperative directly from farms of members to pool distributing plants of other handlers should count toward qualification of the supply equalization plant along with milk moved from such plant as a transfer to such pool distributing plants. This treatment will recognize the total performance of the cooperative association as the basis for pooling its plant.

Under the conditions presently prevailing in the Corpus Christi market, cooperative association plants to be pooled on the basis proposed (total deliveries of member producer milk to pool distributing plants of other handlers) should be restricted to those located in the marketing area. The principal cooperative association representing Corpus Christi producers also represents producers in many other Federal order markets in which provision is made for pooling cooperative standby plants on a similar basis. In many of these markets the cooperative operates plants. Without some limitation, such as location in the marketing area, situations could arise in which such plants could qualify for pooling under the Corpus Christi order as well as another order. While such a limitation could conceivably limit the opportunity for other cooperatives to serve the market upon an equal basis, there is no factual basis to believe that such is the case in this market. The only other cooperative association representing Corpus Christi producers at this time represents local producers and operates no plant.

A handler expressed fear that the Falfurrias operation would not qualify as a plant under the definition proposed and thereby in some undefined way could qualify receipts from other plants for the Corpus Christi pool. Unless this facility meets the plant definition of the order it could not be a pool plant. Minor changes in the proposed "plant" definition are made to insure that this facility as presently equipped and operated will meet the "plant" definition. Only pool distributing plants can qualify receipts from supply plants for pooling under the order.

The same handler proposed that as a condition for pooling its standby plant, the required percentage for member milk to be delivered to pool plants of other handlers should be 80 percent rather than 50 percent. Fifty percent is a percentage used in numerous Federal orders for this purpose and should be adequate to insure that the cooperative has a genuine function in supplying milk to the market as a condition for pooling its plant as a standby plant.

Qualifying the cooperative plant as a pool plant will mean that diversions from pool distributing plants of other handlers can no longer be made. Instead, milk moved from the farm directly to the pool plant operated by the cooperative association will be a receipt of producer milk at the cooperative-owned pool plant. On days when such milk is moved directly from the farm to a pool distributing plant of another handler, it will be considered producer milk at the pool distributing plant. Further consideration of producer milk diversions is discussed hereinafter.

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

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

Unless all milk of such a handler were fully regulated under the order, in effect he would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of partial regulation to plants having less association than required for marketwide pooling would not jeopardize marketing conditions within the regulated marketing area.

3. *Treatment of unpriced and other order milk.* Under a marketwide pooling system of distributing returns to producers, some revisions in the treatment of milk from sources other than producers are necessary. These relate to (a) obligations with respect to milk sold in the marketing area by distributing plants not regulated by this or any other Federal order, (b) obligations with respect to receipts of unpriced milk assigned Class I use at pool plants, and (c) revision of the assignment to classes of milk received from plants regulated by other orders.

Official notice is hereby taken of the Assistant Secretary's June 19, 1964, decision (29 F.R. 9213) supporting amendments to several orders including the Corpus Christi order. The conclusions of this decision are adopted herein as applicable to marketing conditions under marketwide pooling in the Corpus Christi marketing area.

The decision referred to provides a procedure for affording certain options to the operator of a "partially regulated distributing plant" from which fluid milk products are disposed of on routes in the marketing area but which does not qualify as a pool plant, and is not regulated under any other Federal order. These are designed to prevent disruption of the effective classification, pricing, and pooling of producer milk. Normally the operator of an unregulated distributing plant may procure his milk at a price approaching the uniform price under the order without regard to the utilization of such milk.

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

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

Handlers may receive milk from several sources besides producers under the marketwide pool proposed for this order. The Corpus Christi order presently contains most of the procedure for allocating such receipts incorporated in market pool orders by the June 19, 1964, decision. With respect to milk received from plants regulated under other orders, provision should be made that, to the

extent that the receiving handler has use in Classes II and III, the assignment to such classes will not be less than the Corpus Christi market average. Other Federal orders with market pools have this provision.

As described elsewhere in this decision, accountability and classification of receipts will be on a plant basis for handlers operating more than one pool plant. Allocation will likewise be on a plant basis unless unpriced or other order milk is received at any of the plants. Under that circumstance, allocation will be upon a system basis in order that the aggregate utilization in all of the handler's pool plants may determine the assignment of such other source receipts.

Provision should be made that the operator of a pool plant should pay an amount equal to the difference between the Class I price and the uniform price of the order with respect to milk from unpriced sources allocated to Class I under provisions identical with those of the present order. This is the rate provided under the June 1964 decision for market pool orders.

Any payments on partially regulated milk and on unpriced milk received by the market administrator from any handler will be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby would be distributed to all producers on the market.

4. *Producer-handlers.* Provision should be made to add to the producer-handler definition limitations with respect to pool and nonpool milk which a producer-handler may receive if he is to retain exemption from pricing and pooling milk of his own production under the order. The order should not be revised to regulate producer-handlers with monthly dispositions of more than 129,000 pounds.

The Corpus Christi order presently exempts from pricing and pooling milk of producer-handlers distributing their own production if they receive no milk from other dairy farmers. In addition, they must satisfy the market administrator that both milk production and processing, packaging, and distribution of milk are the personal enterprise and personal risk of the producer-handler. No person is currently operating as a producer-handler in the Corpus Christi market.

The principal cooperative association proposed two additional limitations with respect to producer-handlers. The first was that they should not dispose of other source milk, except nonfat solids used in fortification, as Class I milk; the second would limit the producer-handler's receipts from pool sources each month to the lesser of 5 percent of his Class I disposition, or 5,000 pounds.

A handler witness proposed that a producer-handler whose Class I disposition exceeded 129,000 pounds per month should have his own production priced and pooled under the order.

Another handler opposed certain of the additional limitations proposed and the proposed regulation of producer-handlers on the basis of volume disposition. This handler, a corporation, is presently supplied by two affiliated corporate production units and three unincorporated units, all of which own stock in the corporation presently regulated as a handler. The diversity of interest and control between these various units has so far precluded producer-handler status for this operation. Until recently milk has also been received from producers in no way affiliated with the complex. This handler, however, claims that it plans to qualify as a producer-handler by meeting the present requirements of personal enterprise and risk of both the production and processing operations.

The handler objected strenuously to two features of the limitations proposed by the cooperative association. Presently it disposes of as Class I milk two items which it does not process in its plant and which are not processed or packaged in any Corpus Christi plant; such disposition of other source milk as Class I milk would be denied a producer-handler under the proposal. In addition, the handler objected to the 5,000 pound limit proposed for receipts from pool plants.

It is concluded that action should not be taken on the basis of this record to regulate producer-handlers with Class I disposition in excess of 129,000 pounds monthly. Since no producer-handlers are presently operating in the market, there is no present basis for evaluating the effect of large scale producer-handler operations upon the operation of the order. Should such operations actually develop, the effect upon the regulatory scheme of the order could then be considered in the light of actual conditions. The proposal to regulate producer-handlers with Class I disposition in excess of 129,000 pounds monthly should, therefore, be denied on the basis of this record.

No plant regulated by the Corpus Christi order either makes yogurt or packages cream in half-ounce tetrapak containers. Both items are generally distributed by a number of handlers. Since these items are not available from pool sources, the pool will suffer no disadvantage if producer-handlers are permitted to dispose of such items. To prevent price advantage over fully regulated handlers, the producer-handler should be restricted to disposition of such items made from milk classified and priced under any Federal order. The recommended decision had proposed to require that such milk be classified as Class I milk. Regulated handlers, however, may credit to their Class I sales packaged products that are Class I under the Corpus Christi order when received from any Federal order, regardless of the class in which priced under such order. Yogurt is not a Class I product under a number of orders from which it may be available to Corpus Christi handlers. Class I pricing in the order of origin is therefore not required.

It is appropriate that a limit be placed on the amount of milk that a producer-handler may receive from pool plants if he is to retain exemption from pricing and pooling of his own production. If producer-handlers could rely on unlimited pool supplies to supplement their own production, they would be able to keep their own production sold for Class I use without assuming the burden of their own surplus. The producer-handler maintains control of his milk from its source of the farm until its ultimate disposition. He is, therefore, in position to keep his farm production closely in line with the needs of his fluid milk business. He should assume the major burden of maintaining the reserve supply of milk for his fluid operations.

There is no controversy over the proposal that a producer-handler's receipts from pool plants be limited to 5 percent of his Class I disposition. There is, however, substantial protest with respect to the proposal that such receipts do not exceed 5,000 pounds monthly. The handler making the protest now receives in excess of 2 million pounds of milk monthly from the production units for which he contemplates integration with his processing unit. A producer-handler of such size should rely upon his own production for reserve supplies. However, an occasional purchase of a small amount from pool plants should be permitted to cover possible emergencies. It is concluded that a volume limitation of 10,000 pounds monthly should apply whenever 5 percent of a producer-handler's Class I disposition exceeds that figure.

5. *Diverted milk.* Order provisions with respect to diverted milk should be revised.

The present order provides for unlimited diversions of producer milk during the flush months of March through July. During August through February the diversion of proucer milk to a nonpool milk plant is limited to a maximum of 25 days of production to each producer. Diverted milk is presently priced at the location of the pool plant from which it is diverted.

Both cooperative associations acting as handlers and proprietary handlers should be permitted to divert producer milk from a pool plant to a nonpool plant. Unlimited diversion is neither necessary nor desirable in this market when much of the producer milk is necessary to fill the Class I milk needs.

The order provisions should accommodate the efficient handling of milk excess to Class I needs since market requirements vary widely from day to day and particularly on such occasions as weekends or holidays. The diversion provisions adopted should promote economical handling at a lesser hauling cost for milk not needed at times at pool plants by permitting it to be diverted to nonpool plants.

A cooperative should be permitted to divert for its account up to one-third of its total member milk received at all pool plants in the month. A handler operating a pool plant similarly should be allowed to divert for his account milk of producers who are not cooperative association members in a quantity up to one-third of the milk received at such pool plant from producers who are not members of a cooperative which is diverting milk for its own account.

Diversions in excess of the aforesaid quantities would not be producer milk.

In case a handler diverted milk in excess of the allowable limit he would designate the dairy farmers whose milk is ineligible as producer milk. However, if he failed to specify the dairy farmers whose milk would be considered as overdiverted, then producer milk status would be forfeited with respect to all milk diverted by the handler.

Diverted producer milk should be priced at the location of the nonpool plant to which diverted. The applicable prices would be those resulting from the pricing provisions of the proposed order adjusted to the nonpool plant location as if such plant were a pool plant. This will reduce the incentive for associating a quantity of distant milk with a marketing area pool plant which milk would be intended for manufacturing uses in the area of its production. Unless the order so provides, distant producers could receive the blend price payable at marketing area plants when their milk actually would be delivered on a regular basis to distant plants for manufacturing uses. Pricing diverted milk at the location to which diverted will insure that the pool, and hence producers generally, are not charged for transportation that is not performed when distant milk is manufactured at plants located near the farms on which it is produced.

Diversions of producer milk for manufacturing (Class II or Class III) use should be permitted to other order plants, if the handlers involved request and so report such use classification of diversions. Similar diversions to pool plants under this order of producer milk under another order for manufacturing uses by handler agreement should be accommodated. Many plants in adjacent areas providing outlets for reserve milk are pool plants under regulation of some other order.

6. *Classification changes.* Some revisions in the classification and accounting for milk should be made.

(a) The Corpus Christi order should be changed from a two-class market to a three-class market. A new Class II should be skim milk and butterfat in fluid milk products used to produce or added to cottage cheese or cottage cheese curd. Nonfluid milk products used to produce cottage cheese should be Class III milk, as should cottage cheese disposed of for livestock feed or dumped in excess of that made from nonfluid milk products.

The present Corpus Christi order does not classify skim milk and butterfat used to produce cottage cheese separately from other manufactured dairy products. However, it does apply an additional charge of 25 cents per hundredweight on Class II milk used in cottage cheese. The three classifications would simply replace the present charge for milk in cottage cheese, and would make more specific the application of the allocation and accounting provisions of the order with respect to such milk.

The new Class II classification should be restricted to fluid milk products used to produce cottage cheese in excess of that dumped or disposed of for livestock feed as Class III milk during the month. The fluid milk products added to cottage cheese or cottage cheese curd would be included. Nonfluid milk products, such as nonfat dry milk or cottage cheese curd used to produce cottage cheese should be classified as Class III milk.

A charge equal to the difference between the preceding month's Class III price and the current Class II price should be applied to producer milk in inventory that may be assigned to Class II, since this milk was priced as Class III milk during the preceding month. No obligation should be made on other source fluid milk products assigned to Class II. These provisions will result in application of the Class II price only to pool milk used in Class II. This is the effect of the present charge.

The Class II price under the revised order should be the Class III price for the month plus 25 cents which is the same as the present charge on milk in cottage cheese uses.

(b) Class I milk should include inventories of fluid milk products in packaged form at the end of the month. Such packaged fluid milk products have been prepared for disposition early in the following month. Administrative feasibility has generally required that fluid milk products accounted for as inventory under milk orders be limited to those physically located in the plant where processed. Packaged milk products moved to distribution points have thus been classified as Class I disposition even though they may be on hand at the distribution point at the end of the month. If packaged inventories are classified as Class I milk the monetary importance of their exact location in the distribution system will be minimized.

Except for the first month in which this provision is effective, packaged inventories classified as Class I will be allocated to the plant's Class I disposition in the following month. Since the order now classifies all inventory in Class II, which under the revised order becomes Class III, packaged inventories on hand at the beginning of the first month of the revised order should be allocated to Class III. This is the class comparable to that in which it was classified in the preceding month. Thereafter, packaged inventories should be assigned to Class I utilization of the following month.

Provision should be made to adjust the value of the packaged inventories allocated to the following month's Class I disposition to compensate for any change in Class I prices between the 2 months. This will insure uniform cost to handlers for all Class I disposition in each month regardless of the extent to which they have accumulated inventories.

(c) Butterfat in fluid milk products dumped should be classified as Class III. The present order provides a surplus milk classification only for skim milk dumped.

Proponents requested this change to accommodate the disposition of route returns, primarily those in which it is difficult or impossible to salvage the butterfat. The provision, however, will also include butterfat dumped for any reason.

A handler must notify the market administrator and give sufficient time and opportunity to him for verification of quantities to be dumped prior to such disposition of fluid milk products or cottage cheese.

(d) The shrinkage classification provision has been revised to provide the diverting handler not in excess of 0.5 percent shrinkage in Class III on milk diverted to nonpool plants to be consistent with shrinkage limits on other milk movements. However, if the operator of the nonpool plant accounts for such diverted milk on the basis of farm weights and tests, no shrinkage shall be allowed the diverting handler. Shrinkage allowances on diverted milk are thus comparable with those on milk delivered to pool plants under bulk tank handling.

(e) The order provisions should be specific that accounting for milk should be an a plant basis rather than a system basis. Where a handler has more than one plant, shortages in one plant should not be offset by overages in another. Heretofore, it has been necessary to compute a common uniform price to apply at all plants of a handler, with suitable adjustment for location. This is no longer necessary. A common uniform price is to be computed for all handlers. As noted elsewhere, system allocation will apply to multiple plant operations whenever assignment of certain other source or other order receipts is involved.

7. *Classification and payment for cooperative bulk tank milk.* The present option with respect to cooperative associations becoming bulk tank handlers under specified circumstances should be deleted. The milk which a cooperative association bulk tank handler delivers to pool plants should be classified on the basis of utilization at the pool plant to which delivered and the plant operator should pay the cooperative association for such milk at the order uniform price.

The present order defines a cooperative association which delivers milk of its producers from the farm directly to pool plants of other handlers in a tank truck owned and operated by, or under contract to such cooperative association as the handler for such milk, if it so elects. The principal cooperative in the market proposed to delete this election.

When milk is picked up by tank trucks under the control of the cooperative association, handler status should be mandatory for such association. When milk of several member producers is commingled in such a tank truck, the cooperative association is the only party in control of the information as to the quantities of milk from each individual producer. The cooperative association should be required, therefore, to report to the market administrator the quantity of milk received from each producer. The association should also be responsible for obtaining samples at the farm for the purpose of butterfat testing, the testing of such samples, and reporting to the market administrator the quantities of butterfat received from producers.

After milk of individual producers is commingled in a tank truck, there is no further opportunity to measure, sample

or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of the cooperative association the cooperative should be the handler responsible for reporting receipts of milk from producer members and its disposition to other plants for pooling, any such milk not so disposed of, and payments to individual producer members. In addition, the association should be accountable to the producer-settlement fund for any differences in the quantities of milk received from producers based on farm measurements and the quantities of milk which purchasing handlers accept as received at their plants from the association. This is necessary to insure that cooperative handlers, as do other handlers, account for all milk received from producers. For pricing purposes the milk would be considered as received by the cooperative at the location of the plant to which delivered.

The order presently classifies milk delivered to a pool plant by a cooperative bulk tank handler as an interhandler transfer. Classification is by agreement between the cooperative and the pool plant operator, subject to limitations based upon utilization at the pool plant. The record shows that at least two handlers have received their entire supply of producer milk from the cooperative with the result that no uniform prices have been computed for such handlers, but uniform prices have been computed for the cooperative association.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm in a bulk tank truck is the handler in control of the utilization of the milk so received. He should therefore be responsible for reporting its utilization and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as receipts of other producer milk at the pool plant. The pool plant operator would be responsible to the producer-settlement fund and for administrative expense on milk it received from the cooperative. The association would account to the producer-settlement fund and pay the administrative expense on the quantity of milk involved in any difference between milk received from farms and that delivered to pool plants.

The pool plant operator would be charged class prices based on his utilization of such milk and would pay the cooperative association bulk tank handler the minimum uniform price for such milk the same as for milk received from an individual producer. The handler would pay to the producer-settlement fund any amount by which the value of such milk exceeds the amount to be paid the cooperative association and would receive from the fund any amount by which payments at the uniform price exceed the value at class prices. This is the procedure with respect to all producer milk under a market pool. This procedure simplifies any adjustments based upon audit of handlers' records.

8. *Class I prices and location differentials.* No change should be made in the Class I price or the structure of location differentials in this order on the basis of this record.

The hearing notice had no proposal to change the Class I price or location differentials. A handler testified, however, on the need for a reduction in the Class I price and for elimination of the location adjustments to the Class I price at points within the marketing area. These proposals would have decreased the Class I price 13.5 cents per hundredweight at some pool plants and 4.5 cents at others.

The main thrust of the handler's testimony was that the Corpus Christi Class I price is not in alignment with that of nearby orders and that location differentials no longer serve a useful purpose in allocating supplies of producer milk among regulated plants at different locations in the area.

In common with other Texas Federal order markets the Corpus Christi price is based upon the North Texas price plus transportation costs based upon mileage from the principal market of that order. Present location differentials within the marketing area were adopted after careful consideration of the need for milk supplies in relation to the area of production. Nothing in this record denies the basic validity of the Class I pricing provision or the location differentials used.

The proponent handler has for the past year paid premiums over the Class I price to his producers, as have other handlers. Under such circumstances, there is no reason to believe that either a reduction in the Class I price or deletion of the in-area location adjustment are needed. The proposals to make such changes should be denied.

9. *Plants subject to regulation under other orders.* Rules should be established for determining whether this order or another order should regulate a plant which meets the pooling requirements of this and other orders during a month.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk orders. It is not necessary to extend full regulation under this order to plants which dispose of a greater portion of their receipts in another regulated marketing area. This would subject such plants to duplicate regulation. However, the operator of such a plant should be required to file reports of receipts and utilization at such plant and allow verification of such reports as the market administrator may require so that the market administrator may be fully apprised of the continuing status of the plant even though it would be exempt from this order.

Distributing plants sometimes meet the pooling requirements of more than one order. Generally, such a plant should be regulated under the order in which it has the greater route disposition in the marketing area. Provision should be made, however, that a plant regulated by one order shall not become regulated under another until the third consecutive month in which its distribution in the other order area is the larger. Supply plants should be regulated under the order to which greater shipments are made except during the period of automatic pooling for qualified plants.

Provisions to this effect are contained in several other Texas orders. Official notice is hereby taken of the decision issued January 9, 1962, on the San Antonio and Austin-Waco orders (27 F.R. 417) insofar as it applies to the San Antonio order. Under that decision provisions identical with those provided herein were adopted for the San Antonio order. The evidence in this record shows that they would be equally applicable to the Corpus Christi marketing area.

10. *Associated changes.* Certain other provisions of the order previously not discussed herein have been revised because they are associated or conforming changes necessary with a change to a market pool order. Certain proposals associated with the change in pooling are not adopted for reasons set forth below.

(a) The dates for announcement of class prices, handler report filing, and partial payments to producers should be advanced.

Presently, the market administrator announces class prices on the sixth day after the end of the month. Handlers file reports of receipts and utilization on or before the eighth day after the end of month. These dates should be advanced by 1 day to conform more closely with those in nearby orders.

Under marketwide pooling an earlier reporting date is necessary to provide sufficient time for the market administrator to process handler reports, announce a uniform price for the market and clear the pool, in order that final payments to producers may be made by the 15th day of the following month, as presently provided. The market administrator will announce the uniform price on or before the 12th day, will receive payments owed by handlers to the producer-settlement fund on the 13th day, and will make payments to handlers from the fund on or before the 14th day after the end of the month. The date for payments to the administrative and marketing service funds should be advanced to the 13th day after the end of the month to correspond with the date for making payments to the producer-settlement fund.

Partial payments to producers for milk delivered during the first 15 days of the month are due under the present order on or before the 28th day of such month. Customarily, however, handlers pay producers by the 25th day and such payments are required on this date under other nearby orders. The date for such payments should be advanced to the 25th day of the month.

Cooperatives under the present order receive payments for member milk 2 days in advance of payments made by handlers to nonmember producers. In order to avoid requiring payments by handlers in advance of payments from the pool by the market administrator, only 1 day in advance of final payments is provided. This should give opportunity for all producers to receive payment at the same time.

(b) Any unpaid obligation of a handler to the market administrator for each month or portion thereof that such obligation is overdue to the producer-settlement fund, marketing service fund, and administrative expense fund shall require the payment of interest.

This provision is included in many other orders. Incorporating such provision in this order will tend to assure prompt payment of amounts due and is essential to effective operation of the order. Of course, the establishment of an interest charge will have no effect on handlers who consistently pay their obligations promptly.

The payment of interest on overdue obligations of handlers to the market administrator will tend to encourage payment of outstanding amounts on or before the specified date. If amounts owed are not paid on time, other persons are affected because payments from the several accounts necessarily would be reduced until the obligations were paid. Interest would be computed on the first day of the month next following the due date and would be increased at the same rate on the first day of each month thereafter until paid.

(c) The market administrator should report by the 12th day after the end of the month to each cooperative association which so requests the amount and classification of milk received by each handler from cooperative association member producers. The report shall show milk received from the cooperative association members and the amount assigned to each class in the proportion that the total producer milk in each class is to the total receipts of producer milk by such handler.

A handler suggested that the same provision now contained in the San Antonio milk order be used for the purpose of this report to cooperative associations. The proponent cooperative accepted the suggestion. The provision of the San Antonio order is adopted herein for use in making such reports under this order.

(d) Assignment of Class I location credits should be expanded to transfers between all pool plants instead of being limited as at present to milk moved between pool plants of the same handler.

Under the present order with a blend price computed for each handler such transfers between pool plants of the same handler have no effect on blend prices of other handlers, and with respect to other transfers, there has been little need for such limits. With market pooling, Class I location credits should be assigned on bulk transfers from another pool plant to any available Class I utilization at the transferee plant in excess of 95 percent of producer milk, and milk from unregulated supply plants and from other order plants assigned to Class I. This assignment procedure will protect the marketwide uniform price to producers by lessening the opportunity for handlers to move milk between pool plants for manufacturing use at lower class prices with transportation cost borne by producers. The present provision allowing credit and transfers on packaged milk should be retained and made applicable to all transfers.

(e) A "new producer" definition should not be included in the amended order.

A handler proposed the addition of such a provision to afford protection against any influx of outside producers not now associated with the market. He proposed that for a period of 3 months from the time milk is first received at a pool plant from a person who is not now a producer, and whose milk is produced outside the marketing area, such person should receive the lowest class price for his milk instead of the uniform price. At the end of 3 months a "new producer" would become an "old producer" and receive the uniform price thereafter. The new producer provision would apply only when the milk is in a "surplus condition". Such surplus condition was not specifically defined by the handler except that any producer milk diversions from pool plants would represent a surplus condition.

The handler would not include in the "new producer" category any dairy farmer residing in the marketing area nor would he include any person who purchases a base under the Class I base plan operated by the major cooperative.

The Agricultural Marketing Agreement Act of 1937, as amended, in § 608c(5)(D) provides for inclusion of such a provision in a milk order. The statutory authority states "* * * in the case of all milk purchased by handlers from any producer who did not regularly sell milk during a period of 30 days next preceding the effective date of such order for consumption in the area covered thereby, payments to such producer, for the period beginning with the first regular delivery by such producer and continuing until the end of 2 full calendar months following the first day of the next succeeding calendar month, shall be made at the price for the lowest use classification specified in such order * * *".

A "new producer" provision is not used under Federal milk orders now in effect. The authority for such provision does not authorize discrimination between producers on the basis of whether they reside inside or outside the marketing area. Neither is there any authority to distinguish between producers holding bases under a privately operated plan and those who do not hold such bases. Since the proposed "new producer" definition does not conform to the plan authorized, it should not be adopted. No evidence was presented on a plan which is authorized.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Tex., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Tex., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of October 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Corpus Christi, Tex., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 7, 1969.

J. PHIL CAMPBELL,
Under Secretary.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on January 8, 1969, and published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 466; F.R. Doc. 69-397), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Section 1130.6 is revised.
2. Section 1130.15 is revised.

Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Tex., Marketing Area

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF UNIFORM PRICE

PAYMENTS

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1130 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1130.1 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.).

§ 1130.2 Secretary.

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

§ 1130.3 Department.

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

§ 1130.4 Person.

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

§ 1130.5 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 to be engaged in making collective sales or marketing milk or its products for its members.

§ 1130.6 Corpus Christi, Tex., marketing area.

"Corpus Christi, Tex., marketing area", called the "marketing area" in this part, means all the territory within the following counties, all in the State of Texas:

Brooks.
Cameron.
Duval.
Hidalgo.
Jim Wells.
Kleberg.
Live Oak.
Nueces.
San Patricio.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed or packaged. Separate facilities without storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1130.8 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1130.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1130.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products within the marketing area on routes is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant located in the marketing area and operated by a cooperative association approved by any duly constituted State or municipal health authority, and at which milk is received from dairy farmers holding permits or authorizations from such health authority, if 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1130.11 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 Federal 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) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

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

§ 1130.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

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

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

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

(e) Any person in his capacity as the operator of an other order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1130.13 Producer.

(a) "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1130.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class III classification (or comparable classification) of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1130.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1130.12(d); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1130.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler; and

(3) For the purposes of location adjustments pursuant to §§ 1130.53 and 1130.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

(4) For purposes of determining qualification of pool plants pursuant to § 1130.10 (a) and (b), milk diverted pursuant to paragraph (a)(3) of this section shall be considered receipts of Grade A milk at the plant from which diverted.

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk as Class I milk except:

(1) That represented by nonfat solids used in the fortification of fluid milk products; or

(2) Yogurt in packaged form and cream in prepackaged tetrapaks (one-half fluid ounce capacity) if such products are made from milk classified and priced under any Federal order;

(d) Receives during the month from pool plants milk or fluid milk products in a total quantity of not more than 10,000 pounds, or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1130.17 Other source milk.

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

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products, from any source (including those processed at the plant), which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk plant.

§ 1130.19 Butter price.

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

MARKET ADMINISTRATOR

§ 1130.20 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.

§ 1130.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend to the Secretary amendments to this part.

§ 1130.22 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 on which he enters upon his duties or such lesser period as may be prescribed by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds provided by § 1130.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1130.87) 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) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

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

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports pursuant to §§ 1130.30 to 1130.32, has not maintained adequate records and facilities pursuant to § 1130.33, or made payments pursuant to §§ 1130.80, 1130.84, 1130.86, and 1130.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1130.51(a), and the Class I milk butterfat differential computed pursuant to § 1130.52(a) both for the current month, and the minimum price for Class II and Class III milk computed pursuant to § 1130.51 (b) and (c) and the butterfat differential for Class II and Class III milk computed pursuant to § 1130.52 (b) and (c), all for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1130.72; and the butterfat differential computed pursuant to § 1130.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received

from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1130.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1130.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(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.

REPORTS, RECORDS, AND FACILITIES

§ 1130.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversions to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1130.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1130.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1130.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to § 1130.61 (a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1130.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of the month.

(c) Each handler who causes milk to be delivered for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1130.33 Records and facilities.

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

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

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

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

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted.

§ 1130.34 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, 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

§ 1130.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1130.30 shall be classified by the market administrator, subject to the provisions of §§ 1130.41 through 1130.45, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1130.41 Classes of utilization.

Subject to the conditions set forth in §§ 1130.43 and 1130.44, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except those fluid milk products classified pursuant to subparagraphs (2), (3), and (4) of paragraph (c) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk or as Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat in fluid milk products used to produce or added to cottage cheese or cottage cheese curd.

except as classified pursuant to subparagraphs (2) and (3) of paragraph (c) of this section; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or cottage cheese;

(2) In fluid milk products or cottage cheese (in excess of that classified pursuant to subparagraph (10) of this paragraph) disposed of for livestock feed;

(3) In fluid milk products or cottage cheese (in excess of that classified pursuant to subparagraph (10) of this paragraph) dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

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

(7) In actual shrinkage at each plant but not in excess of the following limitations:

(i) 2 percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1130.12(d), except that if the handler operating the pool plant files notice with market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

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

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

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights and tests, the applicable percentage shall be 2 percent.

(8) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1130.42(b);

(9) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1130.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

(10) In nonfluid products used to produce cottage cheese or cottage cheese curd.

§ 1130.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1130.41(c)(7); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1130.41(c)(7).

§ 1130.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1130.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1130.14(a)(2);

(b) Milk received by a handler pursuant to § 1130.12(d) 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 obligation pursuant to § 1130.70; and

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

§ 1130.44 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 in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1130.46(a)(8) or (9) and the corresponding steps of § 1130.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I (or Class II) 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 the form of fluid milk products from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant or a plant of a producer-handler, 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 or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1130.30 for the month within which such transaction occurred;

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

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

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

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

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

(iv) To the extent that Class I milk utilization is not so assigned to it, the

skim milk and butterfat so transferred or diverted shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk;

(d) On the basis of the conditions and the allocation procedure described in paragraph (c) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

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

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

(2) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

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

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

(5) For purposes of this paragraph (e), if the transferee order provides for only 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 another class shall be classified as Class III milk; 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 § 1130.41.

§ 1130.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1130.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1130.46(a) (8) or (9) were received at any of his pool plants, allocations pursuant to § 1130.46 and computation of obligations pursuant to § 1130.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1130.46 and computation of obligation pursuant to § 1130.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1130.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1130.46(c).

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, 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 III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

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

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

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

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

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

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

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

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

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

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

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

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

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

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

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

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(o) or the percentage that Class II and Class III 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;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

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

(b) Butterfat shall be allocated in accordance with the procedure outlined for

skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraph (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1130.51 Class prices.

Subject to the provisions of §§ 1130.52 and 1130.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* The Class I milk price shall be the price for Class I milk established under Part 1126 (North Texas) of this chapter plus 75 cents.

(b) *Class II price.* The Class II milk price shall be the Class III milk price for the month plus 25 cents.

(c) *Class III price.* The Class III milk price shall be the price computed pursuant to subparagraph (1) of this paragraph except that for the months of March, April, May, and June, 12 cents shall be deducted from such price:

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52 (c):

(i) Subtract three cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

§ 1130.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1130.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1130.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply the butter price for the current month by 0.110; and

(c) *Class III milk.* Multiply the butter price for the current month by 0.110.

§ 1130.53 Location differential to handlers.

(a) For milk which is received from producers or a cooperative association at a pool plant located more than 80 miles, but not more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 9 cents per hundredweight and for milk which is received from producers or a cooperative association at a pool plant located more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 1-cent per hundredweight for each 10 miles distance or fraction thereof that such plant is from the city hall in Mercedes, Tex.

(b) For purposes of calculating such location adjustment, transfers between pool plants shall be assigned Class I location credit as follows:

(1) If in packaged form without limit; and

(2) If in bulk form, to the extent that Class I disposition at the transferee plant exceeds the sum of (i) 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1130.12(d), (ii) the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and (iii) assignments pursuant to subparagraph (1) of this paragraph, such assignment to be made first to transferor plants having the same Class I price, then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1130.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

§ 1130.61 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 §§ 1130.30 and 1130.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1130.70 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 (or Class III) milk if allocated to such classes 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 § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1130.30 and 1130.31 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 § 1130.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

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

(b) An amount computed as follows:

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

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

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

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1130.62 Producer-handler.

Sections 1130.40 through 1130.46, 1130.51 through 1130.54, 1130.70 through 1130.72, and 1130.80 through 1130.89 shall not apply to a producer-handler.

Determination of Uniform Price

§ 1130.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1130.46(c), by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1130.46(a)(11) and the corresponding step of § 1130.46(b) by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(6) and the corresponding step of § 1130.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b);

(f) Add the amount obtained from multiplying the difference between the Class III milk price for the preceding month and the Class II milk price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1130.46(a)(6) and the corresponding step of § 1130.46(b) for the current month; or

(2) The hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b) for the preceding month, less the hundredweight used in computations pursuant to paragraph (c) of this section; and

(g) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(3) and the corresponding step of § 1130.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1130.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who made the reports prescribed in § 1130.30 and who made the payments pursuant to § 1130.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1130.72(a) is greater than 3.5 percent or add, if such average 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 § 1130.81 and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1130.82.

§ 1130.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1130.71 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 § 1130.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

Payments

§ 1130.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(1) On or before the 25th day of each month, to each producer who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month at not less than the Class III milk price for the preceding month;

(2) On or before the 15th day after the end of each month, for milk received during such month, an amount not less than the uniform price computed pursuant to § 1130.72, subject to the butterfat differential computed pursuant to § 1130.81 and the location differential computed pursuant to § 1130.82, plus or minus adjustments for errors made in previous payments to such producers, and less:

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Marketing service deductions pursuant to § 1130.87; and

(iii) Proper deductions authorized by such producer;

(3) If by the date for payment pursuant to subparagraph (2) of this paragraph, a handler has not received full payment for such month pursuant to § 1130.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b)(1) Upon receipt of a written request from a cooperative association, which the market administrator determines is authorized by its members to

collect payment for their milk, and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 23d and 14th days of each month in lieu of payments pursuant to paragraph (a) (1) and (2), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) In making the payments pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

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

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

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

(5) The amount of the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producers.

(d) As follows, to each cooperative association for milk for which it is the handler, pursuant to § 1130.12 (d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 14th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 14th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1130.44(a).

§ 1130.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1130.80, the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 1130.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1130.82 Location adjustments to producers.

In making payments pursuant to § 1130.80, the uniform price computed pursuant to § 1130.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1130.53 applies may be reduced by the amount of such location adjustments.

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

§ 1130.84 Payments to the producer-settlement fund.

On or before the 13th 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 total of the net pool obligation computed pursuant to § 1130.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1130.72, and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1130.70(e).

§ 1130.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1130.84(b) exceeds the amount computed pursuant to § 1130.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to §§ 1130.84, 1130.86, 1130.87, or 1130.88.

§ 1130.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; of

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler, or any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to §§ 1130.84, 1130.87, 1130.88, or paragraph (a)(1) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1130.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1130.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator, on or before the 13th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk from producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1130.88 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 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that purusant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a) (4) and (8) and the corresponding steps of § 1130.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1130.89 Termination of obligation.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 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 information:

(1) The amount of the obligation;

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

(3) 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 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

§ 1130.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1130.91.

§ 1130.91 Suspension or termination.

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

§ 1130.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1130.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1130.100 Agents.

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

§ 1130.101 Separability of provisions.

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

[F.R. Doc. 69-1855; Filed, Feb. 12, 1969; 8:50 a.m.]

[9 CFR Part 330]

RETAIL MEAT STORES AND RESTAURANTS IN DISTRICT OF COLUMBIA

Inspection and Other Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the Federal Meat Inspection Act (21 U.S.C. Supp. III 601 et seq.), is considering amending the Federal Meat Inspection Regulations (9 CFR Subchapter A) by adding thereto a new Part 330 relating to certain establishments in the District of Columbia which prepare or handle meat products.

Statement of considerations. The Federal Meat Inspection Act (Secs. 3, 4, and 6) requires Federal inspection at establishments at which cattle, sheep, swine, goats, or equines are slaughtered or the carcasses, parts thereof, meat or meat food products of such livestock are prepared as articles capable of use as human food, for "commerce." The Act (Sec. 24) also authorizes regulation of the conditions of storage and handling of carcasses, parts thereof, meat and meat food products of such livestock, capable of use as human food, by persons, firms, and corporations engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for "commerce" or importing such articles. The Act (Sec. 202) requires specified classes of persons to keep records and to afford representatives of the Secretary access to their places of business, facilities, inventories, and records. These classes include persons, firms, and corporations that engage for "commerce" in the business of slaughtering any of the specified livestock or preparing, freezing, packaging, labeling, buying, selling, storing, or transporting any of the specified articles in or for "commerce." Commerce within the District of Columbia is within the definition of "commerce" in the Act. All retail meat stores and restaurants in the District are subject to regulation under the Act.

The following regulations would bring to the regulated establishments within the District of Columbia the additional protection of the amended Federal Meat Inspection Law. This would help to protect against the purchase and/or consumption of unwholesome meat products or those which have been adulterated or misbranded within the meaning of the Law.

Therefore, the following regulations are proposed to be issued as a new Part

330 in Title 9, Code of Federal Regulations, Chapter III, Subchapter A.

PART 330—REGULATIONS GOVERNING CERTAIN RETAIL MEAT STORES AND RESTAURANTS IN THE DISTRICT OF COLUMBIA

Sec.

§ 330.1 Applicability of regulations.

The regulations in this Part 330 apply to each retail store and restaurant in the District of Columbia, at which no slaughtering of cattle, sheep, swine, goats, or equines is conducted but products of such livestock are boned, cut up, cooked, or otherwise prepared, or frozen, stored or held for sale, and no products prepared at the establishment are sold, or offered for sale or transportation, or transported, to any place outside of the District, by the operator of the establishment. Such retail stores and restaurants shall hereinafter in this part be referred to as regulated establishments.

§ 330.2 Inspection requirement.

Inspection under the Act is required for each regulated establishment at which any such products are prepared in the District of Columbia. It shall be unlawful for any such establishment to operate in the District of Columbia without a valid certificate of inspection under the Act. Upon application to the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, by the operator of the establishment, a numbered certificate of inspection will be granted to the establishment if upon survey it is found to comply with the provisions of this part and if the operator agrees to comply with all applicable requirements of the regulations in this subchapter.

§ 330.3 Sanitation, facilities and equipment.

The following provisions apply to each regulated establishment:

(a) *Premises.* The premises shall be clean, well drained, and so located that the surroundings are free from sources of possible contamination of the products handled at the establishment.

(b) *Construction of buildings.* The building shall be large enough to accommodate the operation without hampering sanitary practices. Floors, walls, and ceilings shall be constructed of materials that can easily be kept clean, sanitary, and in good repair. Where practicable, the building shall be equipped with screens or other effective means to prevent the entrance of insects, rodents, and other animals. Where the screening of openings is impracticable, such as in receiving areas, insect and rodent control shall be effected by preventing entrance of vermin by mechanical or other means. Screen doors shall be self-closing. Rooms used for processing shall not open directly into living quarters or toilet rooms.

(c) *Lighting.* Each room shall have sufficient natural or artificial lighting for the purpose for which it is to be used. Sufficient lighting shall be present in all areas to permit adequate visibility for cleaning and sanitary inspection operations. Lights in the processing areas shall be equipped with protective shields.

(d) *Ventilation.* Ventilation shall be sufficient to control visible mold, objectionable odors and accumulation of condensates.

(e) *Water Supply.* The water supply shall be readily accessible, of a sufficient quantity to permit compliance with the requirements of this subchapter, and potable. There shall be no cross-connection between the potable water supply and any nonpotable water supply nor with the sewage disposal system. Hot water in sufficient quantity for sanitation purposes shall be available. The establishment shall currently have on file in its records evidence that the water supply has been approved by the local health authority within the past calendar year.

(f) *Ice.* Ice (if used) shall be made from a supply of potable water which meets the requirements of paragraph (e) of this section. It shall be manufactured, handled, stored, and used in a sanitary manner.

(g) *Disposal of Wastes.* Liquid wastes shall be conveyed to a public sewer through enclosed piping by methods or systems which will not create insanitary conditions. Floor drains shall be functional and properly trapped. Trash and rubbish shall be placed in suitable receptacles conveniently located throughout the plant. Product wastes, such as trimmings, shall be collected in suitable containers which shall be kept covered when not continuously receiving wastes. All waste shall be collected and disposed of at frequent intervals in a sanitary manner.

(h) *Toilet, dressing room, and handwashing facilities.* A sufficient number of sanitary toilets to accommodate all personnel working at the establishment shall be provided. Toilet rooms shall be conveniently located, constructed of materials which can be easily and satisfactorily cleaned, adequately lighted and separately vented to the outside. They shall be maintained in a sanitary condition and shall be so constructed that they do not open directly into rooms or areas where components of products or products are prepared, stored, or otherwise handled. The doors shall be tight-fitting and self-closing. A sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms. Hand-washing facilities, including hot and cold running water, soap and an effective, sanitary means of drying the hands, shall be conveniently located in the toilet rooms and throughout the area where products are prepared.

(i) *Construction and repair of equipment and utensils.* Equipment and utensils which are used in the preparation of, or which otherwise contact, any product shall be of such design that they can be readily cleaned and effectively sanitized and shall be maintained in a state of good repair so as to provide protection from contamination or other adulteration. The surfaces of all equipment and utensils which contact products shall be constructed from suitable, nontoxic materials. Equipment shall be so located as to provide adequate space for cleaning, maintenance and inspection.

(j) *Cleaning of Equipment.* All multiple-service containers, equipment and utensils used in handling, preparing, storing or transporting any product in such a way as to contact the product directly shall be thoroughly cleaned after use. They shall be subjected to an effective sanitizing process prior to each usage. The methods used shall be such that the product shall not be contaminated or otherwise adulterated. Chemicals used in cleaning and sanitizing treatments shall be those approved by the Technical Services Division and shall be properly labeled and stored. Steam, hot water, chlorine or equally efficient agents are permitted for sanitizing purposes.

(k) *Sanitation of Room and Compartments.* All rooms and areas used to receive, process or store components or the finished products, shall be maintained in a clean, sanitary manner so as to preclude the possibility of bacterial, chemical or physical contamination or other adulteration.

(l) *Sanitary Controls.* Means shall be provided to assure adequate sanitary control of the raw materials and finished product.

(m) *Single-service articles and packaging materials.* Single-service articles, including cans, bottles, lids, pouches, and paper containers shall be free of contamination and maintained in sanitary boxes, cartons, or tubes or otherwise protected and handled in a sanitary manner.

(n) *Control of insects, birds, and animals.* Effective measures for the control of insects and rodents shall be maintained at all times. Insecticides and rodenticides, if used, shall be only those which are approved by the Technical Services Division of the Department. They shall be employed by approved methods and shall be handled and stored in a safe manner. Insects, animals and unrestrained birds shall be excluded from the building.

(o) *Cooling and refrigeration facilities.* When necessary, means shall be provided to maintain the raw materials or finished product in a refrigerated or frozen state. The equipment shall be of such design that the product shall not be subjected to contamination or other adulteration. Refrigerated rooms shall contain an accurate thermometer located in the warmest area.

(p) *Storage facilities.* Storage facilities shall be provided for storing raw materials, packing and packaging materials, and finished products. They shall

be clean, sanitary, and in good repair. Storing methods which minimize deterioration and prevent contamination or other adulteration shall be used. Shelves, cabinets, and dunnage shall be used where necessary to protect materials from contamination and other adulteration.

(q) *Vehicles and transportation facilities.* Vehicles and transportation facilities used by the operator of a regulated establishment to transport any products shall be kept clean and shall be constructed, operated, and maintained in such a manner as to protect products from contamination and other adulteration.

(r) *Sanitary compliance rating.* Establishments which comply with the facility and sanitary regulations as determined by survey completed by an authorized inspector are eligible for certification and listing as establishments approved for operation within the District of Columbia under the regulations in this Part.

§ 330.4 General requirements.

(a) No products may be brought into any regulated establishment unless they have been inspected and passed by the program and are so marked.

(b) Potentially hazardous products must be stored at regulated establishments at safe holding temperatures. Such temperatures will be any food temperature below 45° F. or above 140° F. Potentially hazardous meat or meat food product, not in storage, shall not be permitted to remain at temperatures between the safe holding limits for such a time as may be reasonably expected to allow it to become unfit for human consumption. Potentially hazardous product is any carcass or part of a carcass or meat food product capable of supporting a rapid and/or progressive growth of micro-organisms which may cause food infection or food intoxication.

(c) Frozen product shall be held at a safe temperature when stored, transported or displayed by any regulated establishment. A safe temperature for such product shall be a maximum internal temperature of 10° F.

(d) Product must be appropriately protected from contamination or other adulteration when prepared, frozen, packaged, stored, dispensed, displayed, or otherwise handled at a regulated establishment or transported for such an establishment. Containers, utensils, and other surfaces which contact products directly at regulated establishments shall be protected from contamination. Any methods, operating practice, or sequence of operations at any regulated establishment that may provide an opportunity for product to become contaminated or otherwise adulterated is prohibited.

(e) Surfaces or utensils which have been used in the preparation of sea food at regulated establishments shall be cleaned and sanitized before use for preparation of meat product.

(f) Grinders, choppers, and mixers used for the preparation of uncooked pork at regulated establishments must be thoroughly cleaned to remove any pork muscle tissue residue before use for any other product not intended to be thoroughly cooked on the establishment premises.

(g) Persons who work at any regulated establishment in any capacity which involves contact with unpackaged product or with surfaces contacted by such product, or which involves the preparation of product or meals made therefrom shall:

(1) Be in apparently good health; and

(2) Use hygienic work practices.

§ 330.5 Adulteration and misbranding.

(a) Products sold or served by regulated establishments shall not be "adulterated" or "misbranded" as defined in the Act.

(b) Products prepared by any regulated establishment for distribution solely within the District of Columbia except meals prepared in restaurants served for consumption on the premises shall bear official marks of inspection or labeling as illustrated in Part 317, except that an establishment number will not be required. When sold or served at a regulated establishment, any information shown on such products shall not be false or misleading and their containers shall not be so made, formed, or filled as to be misleading.

(c) Except as is necessary in normal handling, no official inspection mark, or other required labeling on product prepared in an official establishment shall be defaced, obliterated, modified, or removed, when the product is sliced, otherwise prepared, repackaged, or otherwise handled in a regulated establishment.

§ 330.6 Inspection reviews.

(a) Inspections of the premises and reviews of the procedures of each regulated establishment required to have inspection under § 330.2 shall be made as often as deemed necessary to effectuate the purpose of this part. Adulterated products will be handled as provided elsewhere in this subchapter.

(b) A copy of the results of these inspections and reviews will be furnished the operator of the establishment with such recommendations and requirements as may be administratively determined appropriate; and an identical copy shall be filed with the appropriate officer in charge to become a part of the establishment's history.

§ 330.7 Records.

Records shall be maintained by the operator of each regulated establishment showing the source, quantity, and description of all products acquired for the establishment and the date of receipt thereof.

§ 330.8 Access to establishment.

Under section 6 of the Act, program employees or other persons designated by the Administrator shall be allowed access to every part of any regulated establishment at all times by day or night for the purpose of making inspections authorized under the Act. Further, under section 202 of the Act, in enforcement of the Act, program employees, or other persons designated by the Administrator, are authorized to enter any regulated establishment in accordance with said section for the purpose of examining and copying any records required by § 330.7 to be kept for such establishment and examining the facilities and inventories thereof and taking reasonable samples from the inventories.

§ 330.9 Enforcement and penalties.

Continuation of the certificate of inspection will be contingent upon the compliance by the operator of the establishment with the requirements of this part. If the Department has reason to believe that the operator has failed to comply with such requirements in any respect, due notice thereof and reasonable opportunity to correct the alleged deficiencies will be afforded to the operator to the extent consistent with protection of the public and the requirements of the Act.

Failure to comply with the sanitation provisions of this part or to destroy condemned products as required under the Act may result in the withdrawal of the certificate of inspection.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.37(b)).

Done at Washington, D.C., this 7th day of February 1968.

ROY W. LENNARTSON,
Administrator, Consumer and Marketing Service.

[F.R. Doc. 69-1888; Filed, Feb. 12, 1969; 8:53 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

Proposed Changes Relating to Issuance of Patent to Assignee

The Patent Office is considering changes in its rules of practice relating to the issuance of patents to assignees.

The proposed changes are intended to expedite the process of title searching prior to the issuance of patents. Under the proposed procedure a patent would be issued to the assignee of record only if specifically requested at time of payment of the issue fee, the request to be entered in the appropriate space of the Fee Transmittal Notice. When printed, the revised Notice of Allowance (POL-85) and the Fee Transmittal Notice (POL-85a) would reflect this change. Space would also be provided on the Fee Transmittal Notice for entry of the Deposit Account Number where its use is desired. The requirement for two copies of each

paper authorizing use of the Deposit Account would remain unchanged.

Notice is hereby given, therefore, that under the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6), the Patent Office proposes to revise § 1.334 of Title 37, Code of Federal Regulations, to read as follows:

§ 1.334 Issue of patent to assignee.

In case of an assignment of the entire interest in the invention and application, or of the entire interest in the patent to be granted, the patent will issue to the assignee only if specifically requested at time of payment of the issue fee. If the assignee hold an undivided part interest, the patent will issue jointly to the inventor and the assignee only if specifically requested at time of payment of the issue fee. If it is desired that the patent so issue the assignment in either case must first have been recorded, and at a day not later than the date of the payment of the final fee. In the case of an application for reissue, the assignment must be be recorded before the case is allowed; in the case of an application for a design patent, the assignment must be recorded at least 10 days before the case is allowed.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with the proposed revision are invited to forward the same to the Commissioner of Patents, Washington, D.C. 20231, on or before March 31, 1969. An oral hearing will not be scheduled.

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: February 11, 1969.

ALLEN V. AUSTIN,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 69-1891; Filed, Feb. 12, 1969; 8:53 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9426]

AIRWORTHINESS DIRECTIVE

British Aircraft Corp. Model BAC 1-11, 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corp. Model BAC 1-11, 200 and 400 Series airplanes. There have been several failures of the transformer in the windshield heating circuit in certain BAC 1-11 Model, 200 and 400 Series airplanes. These failures have been caused by severe overheating which, in some cases, resulted in overheating of the adjacent cables. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require installation of resistors and capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 17, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

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

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the windshield heating circuit, install 20K ohm resistors and 1 mfd capacitors into both phases of the heating circuit for the pilot's and copilot's main windshield in accordance with British Aircraft Corp. Modification Bulletin No. 30-PM 3092, Revision 8, dated July 22, 1968, or later ARB-approved revision or an FAA-approved equivalent.

Issued in Washington, D.C., on February 5, 1969.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-1852; Filed, Feb. 12, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

COLOR TELEVISION PICTURE TUBES

Determination of Sales at Not Less Than Fair Value

FEBRUARY 4, 1969.

On December 14, 1968, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that color television picture tubes manufactured by N. V. Philips Gloeilampenfabrieken, Inkoopcentrale, Eindhoven, Netherlands, are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until January 14, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that color television picture tubes manufacured by N. V. Philips Gloeilampenfabrieken, Inkoopcentrale, Eindhoven, Netherlands, are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 53.33(c), Customs Regulations (19 CFR 53.33(c)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-1877; Filed, Feb. 12, 1969; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-3478]

ARIZONA

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

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1114-18), and to the regulations in 43 CFR 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from State selection (43 U.S.C. 851, 852); and from appropriation under the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. These scattered tracts are located in the Phoenix, Congress Junction, Bagdad, Topock, Tucson, Tombstone, and Safford areas. Local government authorities have identified these lands as being needed for future orderly community expansion, or development for recreation or other public purposes. This classification would retain these lands in Federal ownership until such time as local governments develop programs and plans to acquire and develop these lands.

3. As provided in paragraph 1, the public lands in the areas described below are segregated from sale, exchange, selection, and from appropriation under agricultural, mining, and mineral leasing laws; these lands shall remain open to entry under the Recreation and Public Purposes Act (43 U.S.C. 869) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27).

GILA AND SALT RIVER MERIDIAN, ARIZONA

MARICOPA COUNTY

T. 4 N., R. 5 E.,
Sec. 24, all.
T. 4 N., R. 6 E.,
Sec. 30, lots 3 and 4.
T. 1 S., R. 3 E.,
Sec. 8, M. S. No. 4300 lying within lots 9 and 10.

YAVAPAI COUNTY

T. 10 N., R. 6 W.,
Sec. 23, lots 2, 3, lots 9 to 19, inclusive, lot 21, and S½SE¼.
T. 14 N., R. 9 W.,
Sec. 11, E½NE¼.

MOHAVE COUNTY

T. 16 N., R. 21 W.,
Sec. 10, E½E½ and SW¼SE¼;
Sec. 14, N½, W½SW¼, N½NE¼SW¼, W½SW¼NE¼SW¼, N½NW¼SE¼, E½SE¼NW¼SE¼, and E½SE¼.

PIMA COUNTY

T. 14 S., R. 10 E.,
Sec. 12, all.
T. 13 S., R. 11 E.,
Sec. 8, SE¼SE¼.
T. 14 S., R. 12 E.,
Sec. 25, W½NE¼SW¼;
Sec. 35, E½SE¼NW¼.
T. 15 S., R. 12 E.,
Sec. 1, lots 13 and 14;
Sec. 3, E½SE¼NE¼;
Sec. 4, lots 9 and 10;
Sec. 5, lots 37 to 52, inclusive;
Sec. 8, lots 58 and 59;
Sec. 9, S½SE¼NW¼;
Sec. 10, lots 71, 72, lots 89 to 92, inclusive, and lots 101 to 104, inclusive;
Sec. 13, SW¼SW¼NE¼;
Sec. 14, NW¼NW¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 22, NW¼NE¼SE¼;
Sec. 23, NW¼NW¼SE¼.
T. 15 S., R. 13 E.,
Sec. 4, lots 5 to 16, inclusive, and lots 25 to 40, inclusive.

COCHISE COUNTY

T. 19 S., R. 22 E.,
Sec. 25, S½SW¼;
Sec. 26, NW¼SW¼ and S½S½;
Sec. 27, S½SE¼;
Sec. 34, NE¼ and N½SE¼;
Sec. 35, SW¼NW¼.

GRAHAM COUNTY

T. 8 S., R. 26 E.,
Sec. 29, N½NW¼.

The areas described aggregate 3711.85 acres.

4. The public lands proposed for classification in this notice which are located in Graham and Cochise Counties are shown on maps on file and available for inspection in the Safford District Office, Safford, Ariz., and the Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

Maps of the lands in the remaining counties are on file at the Land Office and the Phoenix District Office, Federal Building, Phoenix, Ariz.

5. 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 State Director, Bureau of Land Management, Room 3022, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

FEBRUARY 7, 1969.

[F.R. Doc. 69-1865; Filed, Feb. 12, 1969; 8:50 a.m.]

COLORADO

Notice of Filing of Plat of Survey

1. The plats of survey and dependent resurvey of the lands described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m., March 17, 1969.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Exchange Survey No. 376 of the Arapaho National Forest in unsurveyed Tps. 2 and 3 S., Rs. 76, 77, and 78 W. Lots 1 through 9 and A through F.

Tracts C, 37A, 37B, and 37C (1,348.261 acres) Dependent resurvey and tract survey in T. 2 S., R. 77 W. Tracts 37, 38, and 39, these are privately owned lands except tract 38 containing 65.36 acres.

2. All of the federally owned lands in the above are embraced in the Arapaho

National Forest. Since the lands are withdrawn for the National Forest the lands will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

J. ELLIOTT HALL,
Manager,
Colorado Land Office, Denver.

FEBRUARY 4, 1969.

[F.R. Doc. 69-1834; Filed, Feb. 12, 1969; 8:48 a.m.]

[Serial No. I-2448]

IDAHO

Notice of Termination of Proposed Classification of Lands

FEBRUARY 7, 1969.

Notice of proposed classification of lands, Serial No. I-2448, published as F.R. Doc. No. 68-12521, on pages 15351 and 15352, of the issue for Wednesday, October 16, 1968, is hereby canceled so far as it affects the hereinafter described lands. The segregative effect thereof will terminate upon publication of this notice in the FEDERAL REGISTER, as provided by the regulations in 43 CFR 2411.2e (2) (ii):

BOISE MERIDIAN, IDAHO

CLARK COUNTY

T. 10 N., R. 33 E., B.M.,
Sec. 17, SE¼SE¼;
Sec. 21, NW¼SW¼.

The area described contains 80 acres of public lands.

JOE T. FALLINI,
State Director.

[F.R. Doc. 69-1835; Filed, Feb. 12, 1969; 8:48 a.m.]

[Montana 11425]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 5, 1969.

The Bureau of Reclamation has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the mining but not the mineral leasing laws.

The land contains gravel deposits which is needed by the applicant in the operation and maintenance of the Lower Yellowstone Reclamation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

PRINCIPAL MERIDIAN, MONTANA

T. 23 N., R. 59 E.,
Sec. 3, lots 1 and 2.

Total area 80 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-1836; Filed, Feb. 12, 1969; 8:48 a.m.]

NEW MEXICO

[New Mexico 4831]

Notice of Classification; Correction

FEBRUARY 5, 1969.

In F.R. Doc. 69-817 appearing on page 1084 of the FEDERAL REGISTER issue of Thursday, January 23, 1969, the following correction should be made:

Change "T. 6 S., R. 31 E., Sec. 19, lots 3, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;" to read "T. 6 S., R. 31 E., Sec. 19, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½ SW¼, and SE¼;".

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-1866; Filed, Feb. 12, 1969; 8:51 a.m.]

Geological Survey

[New Mexico 101]

NEW MEXICO

Coal Land Classification

Correction

In F.R. Doc. 69-536 appearing at page 641 in the issue of Thursday, January 16, 1969, the following corrections should be made in the tabular material.

1. Under the center heading "Coal Lands" in "T. 31 N., R. 1 E.," the land description for sec. 17 should read "Sec. 17, N½, N½SW¼, SE¼SW¼, NW¼ SE¼, S½SE¼;".

2. Under the center heading "Coal Lands" in "T. 23 N., R. 1 W.," sec. 18 should read "Sec. 18, lots 1, 2, 3, and 4, N½NE¼, E½W½;".

3. Under the center heading "Noncoal Lands" in "T. 25 N., R. 1 E.," sec. 17 should read "Sec. 17, N½, SW¼;".

DEPARTMENT OF AGRICULTURE

Office of the Inspector General

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The regulations (32 F.R. 8822 and 32 F.R. 9850) which set forth the Statement of Organization, Functions, and Delegations of Authority of the Office of the Inspector General pursuant to the provisions of 5 U.S.C. 552, are amended in several respects. Specifically (1)—Section 3 of 32 F.R. 8822 is amended to reflect changes in the address of four Regional Offices and a revision of the territorial area of one Regional Office; and (2)—Section 6(a) of 32 F.R. 9850 is amended for clarification.

SEC. 3. (32 F.R. 8822) *Regional Offices.*

* * * * *

Region No.	*Address and territory*
I	Room 1707, 26 Federal Plaza, New York, N.Y. 10007.
* * *	* * *
II	Room 422, Federal Center Building, Hyattsville, Md. 20782. (Territory: District of Columbia, Delaware, Maryland, Virginia, and West Virginia.)
* * *	* * *
V	3916 South General Bruce Drive, Temple, Tex. 76501.
* * *	* * *
VII	555 Battery Street, Room 522, San Francisco, Calif. 94111.

* * * * *

AVAILABILITY OF INFORMATION

SEC. 6. (32 F.R. 9850) *Information.*

* * * * *

(a) *Available records.* The Assistant Inspector General, Analysis and Evaluation, shall make available requested records subject to the following:

(1) If he determines that the record is exempt from disclosure he shall, unless he makes the record available pursuant to (2) below, deny the request and give written notice of the reasons therefore. In determining which records shall be exempt, he shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967," or any revision thereof, and the committee reports referred to therein. (This Memorandum may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)

(2) Except where disclosure is prohibited by Executive order or statute, or by regulations of other Government agencies, he may, in individual cases, make records exempted from disclosure available if he determines that disclosure will not adversely affect the national interest, constitute an unwarranted invasion of individual privacy, constitute

disclosure of matters obtained in confidence or give undue advantage to one person over another.

* * * * *

Issued at Washington, D.C., on February 7th, 1969.

LESTER P. CONDON,
Inspector General.

[F.R. Doc. 69-1857; Filed, Feb. 12, 1969; 8:50 a.m.]

Packers and Stockyards Administration

WAKARUSA COMMUNITY SALE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Wakarusa Community Sale, Wakarusa, Ind., May 14, 1959.
Hopkinton Sales Pavilion, Inc., Hopkinton, Iowa, June 1, 1959.
Fairground Livestock Auction, Inc., Maryville, Mo., July 31, 1957.
Burlington Co. Cooperative Auction Asso., Inc., Mount Holly, N.J., Dec. 21, 1959.
Scioto Livestock Sales Co., Chillicothe, Ohio, Oct. 14, 1935.
Rice Lake Livestock Auction, Rice Lake, Wis., Nov. 18, 1960.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 6th day of February 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-1890; Filed, Feb. 12, 1969; 8:53 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00117-00-46040. Applicant: Iowa State University, Ames, Iowa 50010. Article: Decontamination Device, No. 171085 for an existing electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to upgrade an existing electron microscope to a high performance, research level instrument, as required for current research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article, a decontamination device, is an accessory to an electron microscope, now in the applicant's possession, which was manufactured by Siemens Aktiengesellschaft, West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1796; Filed, Feb. 12, 1969; 8:45 a.m.]

LETTERMAN GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00069-33-46040. Applicant: Letterman General Hospital, Building 1060, San Francisco, Calif. 94129. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for study of surgical and autopsy material, animal tissues from experimental studies, and bacteriology and virology specimens. This program will involve the study of a variety of tissues in which the morphology of membranes and subcellular organelles will be related to disease processes or tumor characteristics. Many of these structures will be photographed for publication or presentation. The instrument will also have a secondary purpose in training residents in pathology. Comments: No comments have been received regarding this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (January 1968). Reasons: The foreign article provides accelerating voltages of 25 and 50 kilovolts. At the time the applicant placed the order for the foreign article, the only comparable electron microscope being manufactured in the United States was the Radio Corporation of America's (RCA) Model EMU-4 which provided accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltage affords optimum contrast for ultrathin unstained specimens. Since the foreign article is intended to be used for examination of unstained ultrathin specimens, the lower accelerating voltage provided by the foreign article is a pertinent characteristic. We, therefore, find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1797; Filed, Feb. 12, 1969; 8:45 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00150-00-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Large angle goniometer stage for JEM-7 electron microscope. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing JEM-7 electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which was manufactured by Japan Electron Optics Laboratory, Ltd., of Japan and is now in possession of the applicant.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1796; Filed, Feb. 12, 1969; 8:45 a.m.]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00113-63-46040. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for teaching and training of students and staff in the Department of Botany and Plant Pathology in the uses of electron microscopy and development of methods of material preparation peculiar to the problems and/or organisms under study. Projected use is expected to include utilization by the Department's Extension group as an aid in diagnosis of plant viral disease. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the order was placed for the foreign article. Reasons: (1) The foreign article is a relatively low-level electron microscope which is intended to be used in a course designed to acquaint students with the principles of electron microscopy, as a step-wise introduction into the mastery of the more highly sophisticated research electron microscope. The foreign article is relatively simple to operate, since it has only one fixed accelerating voltage and a relatively low resolution (15 angstroms) in contrast to the two accelerating voltages and 8 angtrom resolution of the Model EMU-4, manufactured by the Radio Corporation of America (RCA), which was the only domestic electron microscope available when the applicant ordered the foreign article. (The lower the numerical rating in terms of angstrom units, the better the resolution.) In addition, the foreign article provides three viewing screens in contrast to the single viewing screen of the RCA Model EMU-4. This permits several students to simultaneously view the specimens under the electron microscope. The foreign article also provides low magnifications down to 60 powers, which overlap the magnifications of light microscopes and thus afford a means of demonstrating the transition from light microscopy to electron microscopy.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available to the applicant at the time the order was placed for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1799; Filed, Feb. 12, 1969; 8:45 a.m.]

NATIONAL ENVIRONMENTAL HEALTH SCIENCES CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00107-33-46500. Applicant: National Environmental Health Sciences Center, National Institutes of Health, Post Office Box 12233, Research Triangle Park, N.C. 27709. Article: Ultramicrotome, Model Sidea "OmU2." Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for the preparation of single and serial ultrathin sections of a variety of tissues obtained from laboratory animals subjected to experimental manipulations appropriate to the purpose of identifying and evaluating various environmental hazards. Agents currently under study are heavy metals, pesticides, and air pollutants. A wide spectrum of qualitative and quantitative techniques will be utilized including histochemistry and autoradiography. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument is the Model MT-2, manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a specified minimum thickness capability of 100 angstroms. In order to achieve the utmost resolving power of the electron microscope (5 angstroms) at magnifications up to 550,000, the thinnest possible sections are required. Therefore, the additional thin sectioning capability of the foreign article is pertinent. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1800; Filed, Feb. 12, 1969; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-951, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00110-33-46500. Applicant: DHEW-PHS-National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut serial sections in the range of 80Å and of uniform thickness to be used in comparative enzyme digestions and other histochemical procedures where a variation in thickness will effect comparative results because of variation in penetration of enzyme and other solutions. One of the main problems will be to study the nature of an 80Å diameter dense granule described by us in the elementary body (virus particle) of molluscum contagiosum and seen by others in other pox viruses. Uniform serial sections of a thickness of 80Å or less will allow exposure of at least one surface of all the granules that are present in the sections. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a specified minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2, manufactured by Ivan Sorvall, Inc. (Sorvall), which provides a specified minimum thickness of 100 angstroms. The research program in which the foreign article is intended to be used, is centered around the analysis of submicroscopic entities in the order of 80-angstrom diameter. Hence, sections of 80 angstroms or less are required to permit exposure of at least one surface of these entities. For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1795; Filed, Feb. 12, 1969; 8:45 a.m.]

SCRIPPS INSTITUTION OF OCEANOGRAPHY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00142-58-46500. Applicant: Scripps Institution of Oceanography, University of California at San Diego, Box 109, La Jolla, Calif. 92037. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produtker AB, Sweden. Intended use of article: The article will be used in studies concerning mucus secretion in sea urchin gut cells by means of electron microscopic autoradiography. Since the intensity of the image in autoradiography depends, among other things, on the thickness of section beneath the emulsion, it is vital to have precise control over section thickness. This instrument is capable of producing the equal thickness serial sections needed for quantitative electron microscopic autoradiography. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 5, 1968, that the better thin sectioning capability of the foreign article is a pertinent characteristic of the article for the applicant's research. (2) The foreign article has a thermal advance, whereas the Sorvall Model MT-2 has a gear driven mechanical advance. For the purposes for which the foreign article is intended to be used, the applicant requires a long series of ultrathin sections. HEW further advises that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required.

For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1802; Filed, Feb. 12, 1969; 8:45 a.m.]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00104-33-46040. Applicant: University of Nebraska, College of Dentistry, 40th and Holdrege Streets, Lincoln, Nebr. 68503. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the following research projects:

1. Ultrastructural changes in gingival epithelium in lichen planus, psoriasis and hyperkeratosis.

2. The variation in intracellular location of succinic dehydrogenase activity in normal and inflammed gingival tissue comparing basal cells with outer prickle cells.

3. Ultrastructural study of cementoblasts and the histogenesis of fibrillar formation in human cementum.

4. Ultrastructural study of oral lesions and blood samples resulting from herpes simplex infection.

5. Lysosomal membrane alterations in cells of the gingival attachment of teeth during periodontal disease.

6. Ultrastructural variation in gingival blood vessels in patients suffering diabetes mellitus.

7. An ultrastructural study of odontoblasts recently removed from a tooth as opposed to those grown in tissue culture to determine if there are significant changes which may be related to the odontoblast's ability to produce a predentin matrix when grown in tissue culture.

8. Ribosomal activity in the endoplasmic reticulum of ectopic epithethial cells found in the connective tissue of the periodontal legament.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was purchased by the applicant. Reasons: (1) The foreign article provided a guaranteed resolution of five angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU-4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 had a guaranteed resolution of eight angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage affords optimum contrast for thin, unsustained biological specimens. Since the intended use of the foreign article involves thin, unstained biological specimens, the lower accelerating voltage provided by the foreign article is a pertinent characteristic. For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1801; Filed, Feb. 12, 1969; 8:45 a.m.]

UNIVERSITY OF SOUTHERN CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00105-33-46500. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with experiments to detect virus particles in human and animal tumor study materials. The materials must be sectioned very thin with this ultramicrotome for observation under the electron microscope. On occasions, the ultrathin sections must be prepared in long series and cut in equal thickness throughout. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the foreign article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a guaranteed minimum thickness capability of 100 angstroms. In its memorandum dated November 7, 1968, the Department of Health, Education, and Welfare advised that the capability of producing sections less than 100 angstroms thick is pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-1803; Filed, Feb. 12, 1969; 8:45 a.m.]

Office of the Secretary

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Functions Regarding Civil Rights

Notice is hereby given that the assignment of certain enforcement responsibilities of the Department of Commerce under Title VI of the Civil Rights Act of 1964 to the Secretary of Health, Education, and Welfare has been amended to include responsibility for State Maritime Academies and colleges to train merchant marine officers. The following is the text of the letter, dated January 2, 1969, assigned these additional responsibilities to the Secretary of Health, Education, and Welfare, which he formally accepted by letter of January 14, 1969.

Honorable WILBUR J. COHEN,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. SECRETARY: By letter of May 27, 1966, Secretary Connor assigned to you certain enforcement responsibilities under title VI of the Civil Rights Act of 1964 for federally assisted programs of the Department of Commerce involving hospitals, other health facilities, and institutions of higher education. These responsibilities were formally accepted by you on November 3, 1966.

The aforesaid assignment specifically excepted a program of financial assistance administered by the Department of Commerce which, in part, involved institutions of higher education, namely, assistance to State Maritime Academies and colleges to train merchant marine officers (46 U.S.C. 1381-1388).

Recently, our staffs have discussed, and found feasible and appropriate, the amendment of the aforesaid assignment of responsibilities to include therein State Maritime Academies and colleges receiving assistance to train merchant marine officers, insofar as you exercise responsibilities in accord with the Coordinated Enforcement Procedures.

Accordingly, and conditioned upon your acceptance, Secretary Connor's letter to you of May 27, 1966, is hereby amended to delete from the "Exceptions" provision item "1. assistance to State Maritime Academies and colleges to train merchant marine officers (46 U.S.C. 1381-1388)," and to include said program as program numbered "D," which I hereby assign to you, subject to the terms of the assignment of responsibilities contained in said letter.

I shall appreciate your reply regarding acceptance of this assignment.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce.

Dated: February 6, 1969.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 69-1804; Filed, Feb. 12, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ANTIMONY TRICHLORIDE AND SALICYLIC ACID PREPARATION

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: PŌL, a dehorner for removing horns from calves and kids; contains 26.5 percent antimony trichloride tech and 6.75 percent salicylic acid; marketed by Hess & Clark, Division of Richardson-Merrell Inc., Ashland, Ohio 44805.

The Academy concludes that this product is effective for the removal of horns from calves and kids. The Food and Drug Administration concurs with this evaluation.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For removal of horns from calves and kids.

DOSAGE AND ADMINISTRATION

With the applicator apply PŌL over the horn button and adjacent skin, covering an area about the size of a 25-cent piece. Apply enough of the solution to be sure the area is well covered. Should be applied to calves 3 to 10 days old and kids when they are 1 to 3 days old.

CAUTION: Keep out of reach of children. Keep away from fire.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-1826; Filed, Feb. 12, 1969; 8:47 a.m.]

ETHIONAMIDE TABLETS

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following antituberculous drug: Ethionamide (marketed as Trecator); contains 250 milligrams of 2-ethyl thioisonicotinamide per tablet; marketed by Ives Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 13-026).

The Food and Drug Administration concurs with the conclusions of the Academy that this drug is an effective bacteriostatic agent against *Mycobacterium tuberculosis* and, when used with other effective antituberculous drugs, is suitable for treatment of active tuberculosis after failure of treatment with primary drugs.

The drug continues to be regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update "deemed approved" applications providing for this drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

ETHIONAMIDE

A. *Effectiveness classification.* The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards ethionamide as an effective bacteriostatic agent against *Mycobacterium tuberculosis*, which, when used with other effective antituberculous drugs, is suitable for treatment of active tuberculosis after failure of treatment with primary drugs.

B. *Form of drug.* Ethionamide preparations are in tablet form suitable for oral administration in the dosage range described in the labeling conditions in this announcement.

C. *Previously approved applications.* 1. Each holder of a "deemed approved" application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for ethionamide is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting:

a. A supplement to provide for revised labeling in accord with the labeling conditions described for the drug.

b. A supplement containing adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made.

c. A supplement to provide updating information needed to make the application current in regard to items 6 (components) and 7 (composition) of the new-drug application form FD-356 and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of FD-356H.

2. Such supplements should be submitted within the following time periods following the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding paragraphs 1 and 2 are acted upon provided that within the 60 days the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

D. *New applications.* 1. Any other person who distributes or intends to distribute ethionamide which is intended for the condition of use described under A above should submit a new-drug application meeting the conditions specified in this announcement.

2. Such applications should include:

a. Proposed labeling which is in accord with the labeling conditions.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

c. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (Rx or OTC statement), 6 (components), and 7 (composition) of the new-drug application form FD-356H and, in lieu of full information described under item 8 (methods, facilities, and controls), brief statements that:

i. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

ii. Identify any person other than the applicant who performs a part of those operations and designate the part.

iii. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing,

and holding of the drug are in conformity with current good manufacturing practice in accord with Part 133 (21 CFR Part 133).

iv. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

v. Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

3. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the publication date of this announcement, a new-drug application to the Food and Drug Administration.

c. The applicant submits additional information that may be required for the approval of the application within a reasonable time as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

E. *Labeling conditions.* 1. The label shall bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug shall be labeled to comply with all requirements of the Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information applicable to the drug may be proposed under other appropriate paragraph headings and should follow the information set forth below):

Bacteriostatic against *Mycobacterium tuberculosis.*

INDICATIONS

Failure after adequate treatment with primary drugs (i.e., isoniazid, streptomycin, aminosalicylic acid) in any form of active tuberculosis. Ethionamide should only be given with other effective antituberculous agents.

CONTRAINDICATIONS

Severe hypersensitivity. Severe hepatic damage.

WARNING

USE IN PREGNANCY: Teratogenic effects have been demonstrated in animals (rabbits, rats) receiving doses in excess of those recommended in humans. Use of the drug should be avoided during pregnancy or in women of childbearing potential unless the expected benefits outweigh its possible hazard.

USE IN CHILDREN: Optimum dosage for children has not been established. This, however, does not preclude use of the drug when its use is crucial to therapy.

PRECAUTIONS

Pretreatment examinations should include in vitro susceptibility tests of recent cultures of *M. tuberculosis* from the patient as measured against ethionamide and the usual primary antituberculous drugs.

Determinations of serum transaminase (SGOT, SGPT) should be made prior to and every 2 to 4 weeks during therapy.

In patients with diabetes mellitus, management may be more difficult and hepatitis occurs more frequently.

Ethionamide may intensify the adverse effects of the other antituberculous drugs administered concomitantly. Convulsions have been reported and special care should be taken particularly when ethionamide is administered with cycloserine.

ADVERSE REACTIONS

The most common side effect is gastrointestional intolerance.

Other adverse effects similar to those seen with isoniazid have been reported: Peripheral neuritis, optic neuritis, psychic disturbances (including mental depression), postural hypotension, skin rashes, thrombocytopenia, pellagra-like syndrome, jaundice and/or hepatitis, increased difficulty in management of diabetes mellitus, stomatitis, gynecomastia, and impotence.

DOSAGE AND ADMINISTRATION

Ethionamide should be administered with at least one other effective antituberculous drug.

Average adult dose: 0.5 gram to 1.0 gram per day in divided doses.

Concomitant administration of pyridoxine is recommended.

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e) and 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

G. *Unapproved use.* Ethionamide preparations labeled or advertised for use in any conditions other than those provided for in this announcement will be regarded as unapproved new drugs subject to regulatory proceedings until such recommended use is approved in a new drug application, or is otherwise in accord with this announcement.

H. *Other form or use of drug.* If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report on ethionamide and the labeling conditions described in this notice have been furnished to the holder of the new-drug application referred to above. Any other 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 by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).
Supplements: Office of Marketed Drugs, Bureau of Medicine (MD-300).
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine (MD-16).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-1827; Filed, Feb. 12, 1969; 8:47 a.m.]

LEVOPROPOXYPHENE

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Respireze; levopropoxyphene (as the napsylate), 50-milligram pulvules; marketed by Corvel, a division of Eli Lilly & Co., Indianapolis, Ind. 46206.

The Academy concludes that levopropoxyphene is probably not effective for the symptomatic treatment of cough in dogs and that the manufacturer should provide more information and document the claims of the product. The Food and Drug Administration concurs with this evaluation.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and

labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1828; Filed, Feb. 12, 1969; 8:47 a.m.]

LIPAMONE

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Lipamone—a feed additive premix containing 14 percent dienestrol diacetate (3,4-bis(*p*-acetoxyphenyl)2,4-hexadiene) and marketed by White Laboratories, Inc., Kenilworth, N.J. 07033.

The Academy concludes that this product is effective for promoting the distribution of fat for tenderness and bloom in chickens and turkeys. The Food and Drug Administration concurs with this evaluation.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For incorporation only in rations for market chickens and turkeys to promote the distribution of fat for tenderness and bloom.

DOSAGE AND ADMINISTRATION

Finished feeds to contain:

Grams per ton	*Limitations*
20.9 (0.0023%)	For broiler, fryer, and roaster chickens: Start treatment at 5 or 6 weeks of age; treat broiler and fryer chickens 4–6 weeks; treat roaster chickens 6–10 weeks.
63.6 (0.007%)	For broiler and fryer chickens: Start treatment at 3 weeks of age; treat for 3 weeks.
31.8 (0.0035%)	For roaster chickens: Start treatment at 8 or 9 weeks of age; treat 5–7 weeks.
63.6 (0.007%)	For turkey broilers: Start treatment at 8–10 weeks of age; treat for 3 weeks.

PRECAUTIONS

Many species of animals are very sensitive to even minute quantities of estrogens. If the same manufacturing areas and equipment are to be used for the preparation of other feeds, they must be thoroughly cleaned of Lipamone.

Warning: Discontinue use at least 48 hours before slaughter. Do not feed to laying hens or breeding flocks. Avoid contact of skin or mouth with this product. Destroy container when empty.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1829; Filed, Feb. 12, 1969; 8:47 a.m.]

OXYTOCIN

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Oxytocin (Double U.S.P. Strength); contains 20 U.S.P. units of oxytocin per cubic centimeter; marketed by Diamond Laboratories, Des Moines, Iowa 50301.

2. Purified Oxytocic Principle (Double Strength); contains 20 U.S.P. units of oxytocin per cubic centimeter; marketed by Norden Laboratories, Inc., 601 West Oak, Lincoln, Nebr. 68521.

The Food and Drug Administration concurs with the Academy's conclusions that these drugs are effective provided: (1) Label is changed to emphasize effect on myometrium and myoepithelium of udder if in proper physiological state; and (2) there is less emphasis on the many conditions shown on the label, some of which are not indicated.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for these drugs to limit the claims and present the conditions of use substantially as follows:

ACTIONS

Oxytocin is a hormone of the posterior pituitary with pronounced uterine-contracting and milk-releasing action.

INDICATIONS

Oxytocin may be used as a uterine contractor to precipitate and accelerate normal parturition and post partum evacuation of uterine debris. In surgery it may be used postoperatively following cesarean section to facilitate involution and resistance to the large inflow of blood. It will contract smooth muscle cells of the mammary gland for milk letdown if the udder is in proper physiological state.

DOSAGE AND ADMINISTRATION (INTRAVENOUS, INTRAMUSCULAR OR SUBCUTANEOUS)

For obstetrical use:	*U.S.P. units*
Horses and cows	100
Sows and ewes	30–50
Dogs	5–30
Cats	5–10

For milk letdown:	*U.S.P. units*
Cows	10–20
Sows	5–20

CONTRAINDICATION

Do not use in dystocia due to abnormal presentation of fetus until correction is accomplished.

PRECAUTIONS

For prepartum usage, full relaxation of the cervix should be accomplished either naturally or by the administration of estrogen prior to oxytocin therapy.

Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian.

This evaluation of these drugs is concerned only with their effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it

differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the drugs listed above have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1830; Filed, Feb. 12, 1969; 8:47 a.m.]

PYRIMETHAMINE AND SULFAQUINOXALINE FOR ORAL VETERINARY USE

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067:

1. Whitsyn-5 (feed additive); contains 1.20 percent pyrimethamine (2,4 diamino-5-(*p* - chlorophenyl) - 6-ethylpyrimidine) and 4 percent sulfaquinoxaline.

2. Whitsyn-S (drinking water); contains 0.91 percent pyrimethamine and 3.0 percent sulfaquinoxaline.

3. Whitsyn-10 (feed additive); contains 0.75 percent pyrimethamine and 7.5 percent sulfaquinoxaline.

The Academy concludes that (1) these products are probably effective as aids in control of coccidia in chickens and turkeys, (2) the labels should indicate the species of coccidia controlled for each host, and (3) the label for Whitsyn-5 needs warning on overdosage. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of these drugs is concerned only with their effectiveness and safety to the animal to which they are administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drugs listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1831; Filed, Feb. 12, 1969; 8:47 a.m.]

SODIUM SULFABROMOMETHAZINE

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfabrom Boluses; 2.5- and 15-gram boluses containing respectively 2.5 and 15 grams of sodium sulfabromomethazine; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

The Academy concludes that this product is probably effective for bacterial infections in cattle, calf scours, and calf pneumonia but that extensive label revisions are needed. Each disease claim should be properly qualified as to those caused by pathogens sensitive to the drug. If the disease cannot be so qualified, the claim must be dropped. A warning should be included that this drug may produce abortion in pregnant animals. The winter dysentery claim should be dropped. Also, evidence is needed that this bolus disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect. The Food and Drug Administration concurs with this evaluation.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1832; Filed, Feb. 12, 1969; 8:48 a.m.]

2,2'-METHYLENEBIS(4-CHLOROPHENOL)

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Teniatol; each 30 milliliters (1 fluid ounce) contains 4.5 grams (15 percent) of 2,2'-methylenebis(4-chlorophenol); marketed by Pitman-Moore, Division the Dow Chemical Co., Research

Center, Post Office Box 10, Zionsville, Ind. 46077.

The Academy concludes that this product is probably not effective for removal of tapeworms and coccidia from sheep, cattle, dogs, and cats and that more information is needed to support the label claims. The Food and Drug Administration concurs with this evaluation.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1833; Filed, Feb. 12, 1969; 8:48 am.]

CIVIL AERONAUTICS BOARD

EMERY AIR FREIGHT CORP.

Notice of Application for Tariff-Filing Authority; Pickup and Delivery Zone

FEBRUARY 10, 1969.

In accordance with Part 222 (14 CFR, Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 20714, from Emery Air Freight Corp., Post Office Box 322, Wilton, Conn. 06897, for authority to provide for pickup and delivery service between Los Angeles, Calif., and the following California points:

Carpenteria.	Oxnard Beach.
El Rio.	Oxnard Air Force Base.
Goleta.	Santa Barbara.
Hope Ranch.	Saticoy.
Montecito.	Summerland.
Oak View.	Ventura.
Ojai.	
Oxnard.	

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–1882; Filed, Feb. 12, 1969; 8:52 a.m.]

TEXAS INTERNATIONAL AIRLINES, INC.

Request for Expeditious Handling of Application

FEBRUARY 10, 1969.

Notice is hereby given that the Civil Aeronautics Board on February 6, 1969, received an application, Docket 20702, from Texas International Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 82 to authorize it to engage in nonstop service between Amarillo, Tex., and Albuquerque, N. Mex. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–1884; Filed, Feb. 12, 1969; 8:52 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNDER SECRETARY OF HOUSING AND URBAN DEVELOPMENT, RICHARD C. VAN DUSEN

Delegation of Authority

The Under Secretary of Housing and Urban Development, Richard C. Van Dusen, is hereby authorized to exercise all the power and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority shall be effective as of February 7, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69–1859; Filed, Feb. 12, 1969; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg., Temporary Reg. F–41]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Electric Service Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective January 17, 1969.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, et seq., as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Pennsylvania Public Utility Commission in a proceeding involving electric service rates of the Philadelphia Electric Co. (Tariff Electric—Pa. P.U.C. No. 23). This ratifies and confirms representation undertaken on January 17, 1969.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

FEBRUARY 7, 1969.

[F.R. Doc. 69–1823; Filed, Feb. 12, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 426]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 10, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

4424-C2-P-69—Maimi Valley Radiophone; (New); C.P. for a new station to be located at 1775 Old Oxford Road, near Hamilton, Ohio, to operate on base frequency 158.70 MHz (1-way).

4435-C2-P-69—Tel-Car, Inc.; (New); C.P. for a new (2-way) station to be located at location No. 1: 9.5 miles north-northeast of Emmett, Idaho, to operate on base frequency 152.090 MHz, and repeater frequency 454.150 MHz, and at location No. 2: 0.5 mile east of Meridian, Idaho, to operate on control frequency 459.150 MHz.

4436-C2-P-69—Airway Communications; (New); C.P. for a new (2-way) station to be located at 8500 Zuni Street, Thornton, Colo., to operate on frequency 454.050 MHz.

4437-C2-P-69—South Central Bell Telephone Co.; (KQK779); C.P. to change the antenna system operating on 152.69 MHz, located at 243 East Second Street, Pass Christian, Miss.

4542-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new (1-way) station to be located at the Commodore Hotel, 3440 Grand Avenue, Des Moines, Iowa, to operate on frequency 158.70 MHz.

4543-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new (1-way) station to be located at 965 Eustis Street, St. Paul, Minn., to operate on frequency 158.70 MHz.

4544-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new (1-way) station to be located at 1211 North Shartel Avenue, Oklahoma City, Okla., to operate on frequency 158.70 MHz.

4545-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new (1-way) station to be located at 431 West 23d Street, Tulsa, Okla., to operate on 158.70MHz.

4546-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new (1-way) station to be located at 1715 Grandview Avenue, Pittsburgh, Pa., to operate on 158.70 MHz.

4586-C2-AP/AL-(6)-69—Carolina Telephone & Telegraph Co.; Consent to assignment of license from: Carolina Telephone & Telegraph Co., Assignor, to: New Carolina Telephone & Telegraph Co., Assignee. Stations: KFL937 New Bern, N.C. KFL939 Greenville, N.C. KFQ924 Jacksonville, N.C. KIJ362 Fayetteville, N.C. KIJ363 Rocky Mount, N.C. KIY788 Kinston, N.C.

4604-C2-P-69—Lufkin Telephone Exchange Inc.; (KKX717); C.P. to replace transmitter; change antenna system and relocate base facilities to: Off Highway No. 69, 3 miles southeast of courthouse, Lufkin, Tex., operating on frequency 152.51 MHz.

4605-C2-P-69—Peacock Radio Service; (New); C.P. for a new (1-way) station to be located at Pierce and Lincoln Streets, Clearwater, Fla., to operate on 152.24 MHz.

Major Amendment

1394-C2-P-69—William L. Eisele trading as South Suburban Paging; (New); Change name of applicant to: William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co. *Also correct to read:* C.P. for a new 1-way station. All other particulars to remain the same as reported on public notice dated Sept. 9, 1968, Report No. 404.

RURAL RADIO SERVICE

4587-C1-AL-(2)-69—Carolina Telephone & Telegraph Co.; Consent to assignment of license from: Carolina Telephone & Telegraph Co., Assignor, to: New Carolina Telephone & Telegraph Co., Assignee. Stations: KIO36 Engelhard, N.C. KIO37 Ocracoke, N.C.

4606-C1-P-69—Bell Telephone Co. of Nevada; (New); C.P. for a new rural subscriber station to be located near Alta Creek, 16 miles south of Denio, Nev., to operate on frequency 157.89 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

4588-C1-AP/AL-(26)-69—Carolina Telephone & Telegraph Co.; Consent to assignment of license from: Carolina Telephone & Telegraph Co., Assignor, to: New Carolina Telephone & Telegraph Co., Assignee. Stations: KIA42 Nashville, N.C. KIA45 New Hope, N.C. KIL87 Castoria, N.C. KIR30 Fayetteville, N.C. KIR31 Dunn, N.C. KIR32 Wilson, N.C. KIR33 Rocky Mount, N.C. KIR34 Princeton, N.C. KIY57 Aurelian Springs, N.C. KJE48 Tarboro, N.C. KJE49 Williamston, N.C. KJG33 Greenville, N.C. KJG34 Calico, N.C. KJG35 New Bern, N.C. KJG70 Weldon, N.C. KJH21 Kuhns, N.C. KJH22 Morehead City, N.C. KJJ87 Washington, N.C. KJJ95 Jacksonville, N.C. KNZ44 Roseboro, N.C. KNZ45 Warsaw, N.C. KNZ46 Fountain Crossroads, N.C. KNZ47 Maysville, N.C. KYC97 Smyrna, N.C. KYC98 Lola, N.C. KZI50 Ocracoke, N.C.

4595-C1-P-69—Illinois Bell Telephone Co.; (KYS95); C.P. to add frequencies 6375.2 and 10,935 MHz toward Moline, Ill., at station located at 635 18th Street, Rock Island, Ill.

4596-C1-P-69—Illinois Bell Telephone Co.; (KYS94); C.P. to change frequencies 6137.9 and 11,505 MHz to 6019.3 and 11,545 MHz toward Albany, Ill. and change frequencies 6034.2 and 11,345 MHz to 6152.8 and 11,665 MHz toward Rock Island, Ill. at station located at Seventh Street and 28th Avenue, Moline, Ill.

4597-C1-P-69—Illinois Bell Telephone Co.; (KYS93); C.P. to add frequencies 6271.4 and 10,935 MHz toward Sterling, Ill., and 6301.0 and 10,975 MHz toward Moline, Ill., at station located at 5 miles south-southeast of Albany, Ill.

4598-C1-P-69—Illinois Bell Telephone Co.; (KYS92); C.P. to add frequencies 6123.1 and 11,545 MHz toward Dixon, Ill., and 5989.7 and 11,665 MHz toward Albany, Ill., at station located at 506 North First Street, Sterling, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4599–C1–P–69—Illinois Bell Telephone Co.; (KYS91); C.P. to add frequencies 6375.2 and 10,935 MHz toward Ashton, Ill., and 6404.8 and 10,975 MHz toward Sterling, Ill., at station located on the east side of Route No. 26, 1 mile south of Dixon, Ill.

4600–C1–P–69—Illinois Bell Telephone Co.; (KYS90); C.P. to add frequencies 6123.1 and 11,545 MHz toward De Kalb, Ill., and 6152.8 and 11,665 MHz toward Dixon, Ill., at station located at 1.1 miles north-northeast of Ashton, Ill.

4601–C1–P–69—Illinois Bell Telephone Co.; (KSN57); C.P. to add frequencies 6404.8 and 10,975 MHz toward Ashton, Ill., at station located near intersection of U.S. Highway No. 30 and State Route No. 23, De Kalb, Ill.

Major Amendment

2926–C1–P–67—United Telephone Co. of the Northwest; (KPJ91); Delete frequencies 6197.2 and 6345.5 MHz toward Burns, Oreg. (via passive reflector); delete frequencies 6041.6 and 6160.2 MHz toward Glass Butte, Oreg.; change transmitters and add frequency 2170.0 MHz toward Glass Butte. Station located 3.2 miles west of Hines, Oreg.

2927–C1–P–67—United Telephone Co. of the Northwest; (New); Delete frequencies 6189.8 and 6308.4 MHz toward Pine Mountain, Oreg.; delete frequencies 6323.3 and 6412.2 MHz toward Burns Butte, Oreg.; change transmitters and add frequency 2127.0 MHz toward Pine Mountain and frequency 2120.0 MHz toward Burns Butte. Station located at Glass Butte, 11 miles southeast of Hampton, Oreg. All other particulars same as reported in public notice dated Mar. 13, 1967.

Correction

2718–C1–P–69—Illinois Bell Telephone Co.; (New); Correct change of station location to read: 2.7 miles north-northeast of Ottawa at lat. 41°22'56" N., long. 88°49'18" W. All other terms to remain the same as reported in public notice dated Jan. 27, 1969, Report No. 424.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4433–C1–MP–69—United Video, Inc.; (KGB96); Modification of C.P. to change frequencies to 6138.0, 10,735, and 11,055 MHz toward Waynesville, Mo. All other terms of existing C.P. to remain the same.

4434–C1–MP–69—United Video, Inc.; (KGC21); Modification of C.P. to change frequencies to 6390.0, 11,305, and 11,625 MHz toward Lebanon, Mo. All other terms of the existing C.P. to remain the same.

Major Amendment

551–C1–P–68—Wyoming Microwave Corp.; (KPB65); Application amended to change transmitter and increase transmitter output power to 5 watts toward Cedar Mountain, 12.3 miles north-northwest of Bonneville, Wyo.

552–C1–P–68—Wyoming Microwave Corp.; (KPS63); Application amended to add frequency 5975.0 MHz via power split, toward new points of communication at Cody (lat. 44°31'33" N., long. 109°03'19" W.) and Powell (lat. 44°45'29" N., long. 108°44'48" W.), both in Wyoming; and increase transmitter output power to 5 watts. Location: Cedar Mountain, 5.3 miles southwest of Cody, Wyo.

553–C1–P–68—Wyoming Microwave Corp.; (KYO89); Application amended to change frequency to 6123.1 MHz toward Billings (KULR–TV), Mont. (lat. 45°45'35" N., and long. 108°27'14" W.) and add frequency 6123.1 MHz via power split, toward new point of communication at Billings, Mont. (lat. 45°46'54" N., long. 108°33'23" W.). Location: Greeno, 11.5 miles southeast of Laurel, Mont. (Informative: Applicant proposes to provide the television signal of station KTWO–TV of Casper, Wyo. to Cody Cable TV in Cody, Wyo.; Powell Cable TV in Powell, Wyo.; and Montana Video, Inc., in Billings, Mont. See also public notice dated Aug. 14, 1967.

[F.R. Doc. 69–1885; Filed, Feb. 12, 1969; 8:52 a.m.]

[Dockets Nos. 18349–18353; FCC 69R–70]

MEDFORD BROADCASTERS, INC. (KDOV) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Ralph J. Silkwood and K. C. Laurance (Transferors) and W. H. Hansen (Transferee), Docket No. 18349, File No. BTC–4244, for transfer of control of Medford Broadcasters, Inc. (KDOV), Medford, Oreg.; R. W. Hansen (KCNO), Alturus, Calif., Docket No. 18350, File No. BR–2641, for renewal of license; Medford Broadcasters, Inc. (KDOV), Medford, Oreg., Docket No. 18351, File No. BR–3775, for construction permit; W. H. Hansen, Medford, Oreg., Docket No. 18352, File No. BPH–4424, for construction permit; Radio Medford, Inc., Medford, Oreg., Docket No. 18353, File No. BPH–5429, for construction permit.

1. The above-captioned applications were designated for hearing by order, FCC 68–1013, released October 17, 1968. In the designation order, the Commission, inter alia, directed that the mutually exclusive applications of W. H. Hansen (Hansen) and Radio Medford, Inc. (Radio Medford), be brought up to date by amendments which were to include new or amended program showings. The parties were given the right to file appropriate petitions to enlarge after the amendments were submitted. On November 18, 1968, such an amendment was filed by Radio Medford. Presently before the Board is a motion to enlarge issues, filed December 17, 1968, by Hansen, seeking the addition of a Suburban issue with respect to the Radio Medford application.[1]

2. In support of its motion, Hansen alleges that Radio Medford has failed to comply with the requirements of Minshall Broadcasting Co., Inc., 12 RR 2d 502, 11 FCC 2d 796 (1968) or Public Notice Regarding Ascertainment of Community Needs by Broadcast Applicants, FCC 68–847, 13 RR 2d 1903 (1968). Specifically, Hansen alleges that Radio Medford has failed to show, (a) that the community leaders consulted were asked about the needs of the community from the standpoint of the group represented by each of them, (b) the suggestions elicited from the community leaders, or (c) an adequate evaluation of needs and interests and the relating of such to the proposed program service.

3. In opposition Radio Medford alleges that Exhibit 4–A of its application as originally filed considered together with the amendment filed November 18, 1968, reflect that it has complied with Commission standards. This compliance, Radio Medford argues, is evident in two major respects. First, Radio Medford submits, its past broadcast experience,[2] and contacts within the community, its local ownership, and its integration of ownership and management, are factors which the Commission has not held incompetent in the consideration of the Suburban issue. Radio Medford also alleges that it has consulted with representative community leaders about community needs and interests and that it has identified those community leaders by name, position, and organization. Hansen's argument that the leaders consulted did not reflect the standpoint of their respective groups is dismissed as mere sophistry by Radio Medford, since the leaders are alleged to have been contacted specifically for the purpose of ascertaining the needs and interests of the community to be served. In response to petitioner's allegation that suggestions elicited from community leaders were not furnished and that consequently the evaluation and relation steps of Minshall were deficient, Radio Medford concedes that it did not list the suggestions received from each of the community leaders contacted. However, it submits that the Commission has not specified that such a listing be furnished; that the suggestions received were evaluated and a need for stereophonic music and news

[1] Other related pleadings before the Board for consideration are: (a) Broadcast Bureau's comments, filed Jan. 13, 1969; (b) opposition, filed Jan. 13, 1969, by Radio Medford; and (c) reply, filed Jan. 23, 1969, by Hansen. By order, FCC 69R–551, released Jan. 2, 1969, the Review Board extended the time for filing responsive pleadings to Jan. 13, 1969.

[2] Radio Medford is the licensee of standard broadcast station KMED and KMED–TV, both located in Medford Oreg.

was ascertained; and that this evaluation was sufficient to enable the applicant to relate it to program proposals.[3]

4. In reply, Hansen notes that the Commission had indicated that an applicant may not escape the Minshall, supra, requirements by relying on long-term residence.[4] Correspondingly, Hansent urges, long-term operation of another broadcasting facility in the area cannot be used as a substitute for the comprehensive showing required by the Commission.

5. In Minshall Broadcasting Company, Inc., supra, the Commission instructed applicants to provide the following information: (1) The steps they have taken to inform themselves of the real needs and interests of the community; (2) the suggestions they have received; (3) their evaluation of those suggestions; and (4) the programing proposed to meet the community needs as they have been evaluated. Elaboration of these steps was provided by the Commission in the Public Notice Regarding Ascertainment of Community Needs, supra. The Review Board finds that substantial question exists as to whether or not Radio Medford has complied with Commission requirements. Radio Medford has failed to supply the Commission with an enumeration of specific suggestions received from community leaders. Contrary to Radio Medford's assertion, the Commission does require information concerning the specific suggestions received from community leaders. See, Sundial Broadcasting Co., Inc., FCC 68-1082, 15 FCC 2d 58, and Mace Broadcasting Co., FCC 68-671, 13 RR 2d 753. Moreover, Radio Medford's assertion that its survey indicates that quality stereo music and additional news and weather information are desired is too vague and generalized to permit a finding that it has adequately related the proposed program service to the needs of the community as evaluated. See Sundial Broadcasting Co., Inc., supra; and Louis Vander Plate, FCC 68-731, 13 FCC 2d 952. The requested issue will therefore be added.

6. *Accordingly, it is ordered*, That the motion to enlarge issues, filed December 17, 1968, by W. H. Hansen, is granted; and that issues in proceeding are enlarged by the addition of the following issue:

To determine the efforts made by Radio Medford, Inc., to ascertain the community needs and interests of the area to be served and the manner in which that applicant proposes to meet such needs and interests.

7. *It is further ordered*, That the burden of proceeding and proof under the issue added herein will be on Radio Medford, Inc.

[3] Radio Medford also claims that the news department of KMED-TV is an additional source of information, and attaches "monthly news reports" to substantiate this claim.

[4] Citing Andy Valley Broadcasting System, Inc., FCC 68-290, 12 RR 2d 691 (1968).

Adopted: February 6, 1969.

Released: February 10, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

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

[F.R. Doc. 69-1886; Filed, Feb. 12, 1969; 8:52 a.m.]

[Docket No. 18440; FCC 69-117]

BROADCAST STATIONS

Notice of Inquiry Regarding Ownership by Persons or Entities with Other Business Interests

1. The Federal Communications Commission is undertaking a study of the ownership patterns in the broadcasting industry, with special emphasis upon the ownership of broadcast stations by licensees with substantial nonbroadcast interests. Although its study will not be limited to the largest, so-called "conglomerate" corporations, it is not directed to the smaller station owners who happen to have other small business interests.

2. Over the years, the Commission has inquired into the ownership structure of the broadcast industry. It has examined, for example, the joint control of newspapers and broadcast stations, 9 F.R. 702 (1944), multiple ownership of stations, 47 CFR 73.35, 73.240, 73.636 (1967), 33 F.R. 9075 (1968), and the diversity of control of mass media, 1 F.C.C. 2d 393, 394-5 (1965). There is now a proposed rule making outstanding regarding the ownership of more than one full-time broadcasting property in a single market. 33 F.R. 5315 (1968), 12 F.C.C. 2d 912 (1968).

3. This inquiry is part of the Commission's continuing examination of this important field. Its subject—the ownership of broadcast stations by those having other large-scale business interests—has in the past been treated in only a few cases (e.g., Powel Crosley, Jr., 11 F.C.C. 3 (1945); ABC-ITT Merger, 7 F.C.C. 2d 245 (1966), 9 F.C.C. 2d 546 (1967)). There is today a heightened interest generally in the problems posed by conglomerate merger trends, and we believe it appropriate to focus on such problems as may be presented in the broadcast field by conglomerates[1] and, in addition, by ownership of broadcast stations by any other person or entity with large-scale business interests. This aspect of the ownership problem is the special subject of the Commission's study, although it will also treat such other ownership issues as are necessary to an intelligent inquiry.

4. The Commission intends to determine the full facts as to ownership in the broadcast field by conglomerates or any person or entity with other large-scale business interests. It will examine the nature of the interest of such owners, with particular emphasis on multimedia owners. It will identify the number and location of broadcast stations licensed to particular types of conglomerates or owners with other large-scale business interests; relevant population and revenue figures; and recent trends. It will evaluate the possible benefits as well as the detriments which accrue to the public interest from such ownership. It will look for evidence that such holdings by conglomerates or by any person or entity with other large-scale business interests contribute to technical innovation, stability, greater programing efforts, either locally or on a syndicated basis, or the formation of additional networks. It will also look for possible hazards to the fair and free presentation of material by the stations owned by conglomerates or any person or entity with other large-scale business interests, reciprocity arrangements in advertising, lack of licensee responsibility due to inadequate supervision by top officials, siphoning of broadcast profits for other operations or acquisitions, increased leverage either in the broadcast or nonbroadcast fields, and the possible impediments to technological developments.

5. The foregoing is simply a skeletal outline of the Commission's interest, with a few examples to point up its scope. It is, we stress, a broad-ranging inquiry to encompass the possible social, economic, and political consequences in the broadcast field of the conglomerate trend and of the licensing of broadcast stations to any other person or entity with other large-scale business interests. It will thus consider the issue of competition as an intrument of regulation, and what policies should be followed in this area to obtain diversity and competitive benefits in programing, advertising and other pertinent aspects.

6. We stress that we have formed no tentative conclusions, but are only seeking factual information which is essential to a determination of whether any remedial action is necessary, and, if so, whether it should be in the form of administrative action, or proposed legislation if agency authority is lacking.

7. If we find that administrative action is appropriate with regard to some but not all of the areas mentioned we may spin off that area and deal with it separately—as by instituting a rule making proceeding. Such separate treatment may also be given matters not covered in this brief statement, but about which material is obtained in the course of the inquiry. We shall, of course, also make use of information obtained in discharging our processing functions.

8. We shall use all the various tools and procedures available to us in such an undertaking. We may constitute a special unit of the staff. We may use the

[5] Dissenting statement of Board Member Nelson filed as part of the original document. Board Member Kessler concurring in result only.

[1] We would of course coordinate or dovetail our activities with any overall study which might be made in the general area. Cf., H.J. Res. 315, 91st Cong., first sess. (1969); 115 Cong. Rec. H521 (1969). Specifically, we would coordinate with the Federal Trade Commission which is conducting a study of conglomerate trends and effects.

services of consultants, research groups, or universities. We may hold seminars or other relatively informal study sessions. We may use material developed by the Congress or by other agencies of the Government. We may make surveys which might include requesting material from licensees. We shall use material on file with the Commission.

9. Interested persons may, of course, submit information and opinion at any time which will be considered by the Commission together with any other relevant information before it.

10. Authority for the inquiry instituted herein is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended.

11. Although this is not a formal rule making proceeding, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission as provided in § 1.419 of the Commission's rules and regulations governing such proceedings. Filings shall also conform to the provisions of § 1.49. (47 CFR 1.49, 1.419 (1967).)

Adopted: February 1, 1969.

Released: February 8, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 69-1887; Filed, Feb. 12, 1969; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

INACTIVE TARIFFS, BUREAU OF DOMESTIC REGULATION

Notice of Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive because the Commission's staff has been unable to correspond with the tariff filers. The following carriers, including their last known addresses, fall into the "inactive tariff" category.

Alaska Marine Express, Inc., Suite 727, American Bank Building, Portland, Oreg. 97205.
Aleutian Steamship Co., 1915 First Avenue, Seattle, Wash. 98101.
Atlantic Caribe Steamship Co., Ltd., 17 Battery Place, New York, N.Y. 10004.
Continental Shipping Corp., 1317 Intervale Avenue, Bronx, N.Y. 10459.
Cuestas Moving and Express Corp., 204 Ninth Street, Brooklyn, N.Y. 11215.
Culebra Trading and Transport S.A., Box 3261, San Juan, P.R. 00904.
Far East Van Service, 79 Post Street, San Francisco, Calif. 94104.
Hawaiian Textron, Inc., 311 California Street, San Francisco, Calif. 94104.
Miami-San Juan Trailer Ferry, Inc., 801 Northwest 79th Street, Miami, Fla. 33150.
Oregon Alaska Steamship Co., 408 Southwest Second Avenue, Portland, Oreg. 97204.
Pacific Northwest Alaska Van Service, Inc., Post Office Box 7457, Seattle, Wash. 98133.
Trans-Ocean Parcel Service, John D. Cooper, Owner, 426 South Alameda Street, Los Angeles, Calif. 90013.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and accordingly the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Domestic Regulation at 1405 I Street NW., Washington, D.C. 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs.

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order be, and they are hereby canceled;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission.

[SEAL] THOMAS LISI, *Secretary*.

[F.R. Doc. 69-1805; Filed, Feb. 12, 1969; 8:46 a.m.]

A. P. MOLLER-MAERSK LINE AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Anthony A. DeGiglio, Manager, Conference Department, "K" Line New York, Inc., 29 Broadway, New York, N.Y. 10006.

Agreement No. 9472, between A. P. Moller-Maersk (the initial carrier) and K Line (the delivering carrier), provides for a through billing arrangement from Thailand ports of call of the initial carrier to U.S. Pacific coast ports of call of the delivering carrier with transshipment in Yokohama or Kobe in accordance with the terms and conditions set forth in the Agreement. Agreement No. 9472-1, the filing here, would modify the basic agreement to establish $2 per revenue ton as the maximum amount of the transshipment expenses which is to be absorbed by the delivering carrier.

By order of the Federal Maritime Commission.

Dated: February 6, 1969.

THOMAS LISI, *Secretary*.

[F.R. Doc. 69-1806; Filed, Feb. 12, 1969; 8:46 a.m.]

HAMBURG-AMERIKA LINIE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Hamburg-Amerika Linie, Meyer Line, Norddeutscher Lloyd, and Continental North Atlantic Westbound Freight Conference.

Notice of agreement filed for approval by:

Mr. Robert H. Binder, Kirlin, Campbell and Keating, Attorneys at Law, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9772, between Hamburg-Amerika Linie, Meyer Line, Norddeutscher Lloyd, and the Continental North Atlantic Westbound Freight Conference (Agreement No. 8210, as amended), permits the parties, consistent with their obligations, if any, under any conference or other agreement in the trade covered by this agreement, to confer, discuss, and agree on rates, charges,

[2] Dissenting statements of Commissioners Robert E. Lee and James J. Wadsworth filed as part of the original document.

classifications, practices and related tariff matters for the carriage of cargo in the trade from ports in the Netherlands and Belgium to U.S. North Atlantic ports in the Hampton Roads/Portland, Maine, range.

The agreement additionally provides (1) that each party shall be responsible for filing its own tariffs, rules, and regulations; (2) that each party shall have the right to take independent action with respect to any of the agreed matters after giving at least 48 hours notice to the other parties; (3) that a Secretary shall be appointed to maintain records, carry out the requirements of the agreement, certify minutes or other records of actions taken and promptly furnish them to the Commission; (4) for admission, withdrawal and expulsion of the parties pursuant to General Order 9 (46 CFR 523), and (5) a procedure for self-policing pursuant to General Order 7 (46 CFR 528).

By order of the Federal Maritime Commission.

Dated: February 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1807; Filed, Feb. 12, 1969; 8:46 a.m.]

R.C.D. SHIPPING SERVICES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward P. Cotter, Charrier & McAteer, Inc., 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

Agreement No. 9490-2, between the parties to the "R.C.D. Shipping Services," a joint service comprising Turkish, Iranian, and Pakistan national flag common carriers, operating in the trade from U.S. Atlantic and Gulf ports to Turkish, Iranian, and Pakistan ports, modifies the basic agreement by adding Arya National Shipping Lines, S.A., an Iranian-flag carrier, as a member thereof in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: February 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1808; Filed, Feb. 12, 1969; 8:46 a.m.]

SEA-LAND SERVICE, INC. AND GULF-PUERTO RICO LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been one.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9771 between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., establishes a through billing arrangement from ports of call of Sea-Land in Japan and Okinawa to U.S. gulf ports of call of Gulf-Puerto Rico Lines with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: February 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1809; Filed, Feb. 12, 1969; 8:46 a.m.]

WILH. WILHELMSEN LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seymour H. Kligler, Esq., Herman Goldman, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7589-6, between seven (7) Norwegian carriers under the management and control of Wilh. Wilhelmsen and operating under approved Agreement 7589, as amended, modifies the joint service covering the trade to and from ports of the United States, including Hawaii and various worldwide areas as set forth in the agreement. The purpose of the modification is to add ports on the South and East Coasts of Africa to the scope of the basic agreement, as amended.

By order of the Federal Maritime Commission.

Dated: February 6, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1810; Filed, Feb. 12, 1969; 8:46 a.m.]

CENTRAL GULF STEAMSHIP CORP. AND WATERMAN STEAMSHIP CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the

agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harold S. Grehan, Jr., Vice President, Central Gulf Steamship Corp., International Trade Mart, Post Office Box 53366, No. 2 Canal Street, New Orleans, La. 70150.

Agreement No. 9774, between Central Gulf Steamship Corp. and Waterman Steamship Corp., provides for the establishment of a rate agreement between the parties in the trade from U.S. Atlantic and Gulf ports to ports in the Persian Gulf, Gulf of Oman and the Arabian Sea, all in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: February 10, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1868; Filed, Feb. 12, 1969; 8:51 a.m.]

JAMAICA RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street N.W., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

William C. Lewis, Jr., Esq., Smathers and Thompson, Alfred I. du Pont Building, Miami, Fla. 33131.

Agreement No. 9775, between Pan American Mail Line, Inc., and Norwegian Caribbean Line, which establishes a rate-fixing agreement in the trade between ports in Jamaica and ports in Florida, provides that the parties will confer on and discuss with each other the rates, charges, practices, and related tariff matters to be charged or observed by them in the above trade in order to promote commerce and stability in such trade in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: February 10, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1869; Filed, Feb. 12, 1969; 8:51 a.m.]

LEEWARD AND WINDWARD ISLANDS AND GUIANAS CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, Chairman, Leeward and Windward Islands and Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7540-17, among the member lines to the Leeward and Windward Islands and Guianas Conference, provides that shipments of alumina in bulk are to be excluded from Conference jurisdiction in addition to those commodities already excluded as provided in Article 1 of the Conference agreement.

By order of the Federal Maritime Commission.

Dated: February 10, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1870; Filed, Feb. 12, 1969; 8:51 a.m.]

PACIFIC COAST EUROPEAN 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, 1405 I Street NW., Room 1202; 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 an approved dual rate contract filed by:

Mr. David Lindstedt, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

The Pacific Coast European Conference (Agreement No. 5200, as amended) has filed an application to modify its approved merchant's contract. The proposed modification adds currency devaluation to those conditions beyond the control of the Conference under which it may increase rates on not less than 15 days' written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

By order of the Federal Maritime Commission.

Dated: February 10, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1871; Filed, Feb. 12, 1969; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI69-479 etc.]

GLOBAL OILS, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 22, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before March 10, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-479..	Global Oils, Inc., 2010 Republic National Bank Bldg., Dallas, Tex. 75201.	4	5	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	$2,844	12-30-68	[2] 1-30-69	6-30-69	[3] 13.0	[3] [4] 14.0	
					3,659				13.0	[3] [4] 14.0	
RI69-480..	Kay Kimbell Estate (Operator) et al., Post Office Box 1540, Fort Worth, Tex. 76101, Attention: Mr. Sam Sims, Jr.	1	4	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin Area).	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
	do	5	2	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
	do	6	3	do	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
	do	8	2	do	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
	do	10	2	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin Area).	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
	do	11	2	do	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
	do	12	3	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.).	(5)	12-30-68	[2] 1-30-69	6-30-69	[3] 14.0	[4] [6] 14.0	RI64-524.
RI69-481..	Pearle G. Liddle, 511 Rivercrest Dr., Fort Worth, Tex. 76107.	1	5	Montana-Dakota Utilities Co. (Worland Field, Washakie and Big Horn Counties, Wyo.).	1,239	1- 2-69	[2] 2- 2-69	7- 2-69	13.6154	[3] [4] 14.6410	
RI69-482..	Great Lakes Natural Gas Corp., 417 South Hill St., Los Angeles, Calif. 90013, Attention: Charles S. Hale, President.	1	8	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	----------	1- 2-69	[2] 2- 2-69	7- 2-69	[3] 14.0	[3] 14.0	RI64-459.
RI69-483..	Alex N. Campbell, Post Office Box 842, Aztec, N. Mex., Attention: Mr. Bradley H. Keyes.	2	1	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	200	12-23-68	[2] 1-23-69	6-23-69	13.0	[3] [4] 14.0	
RI69-484..	CRA, Inc. (Operator) et al., Post Office Box 7305, Kansas City, Mo. 64116, Attention: Ralph E. Hoke, Esq.	43	7	Mountain Fuel Supply Co. (Nitchie Gulch Field, Sweetwater County, Wyo.).	31,750	1- 2-69	[2] 2- 2-69	7- 2-69	15.0	[3] [4] 16.0	
RI69-485..	Texaco, Inc. (Operator) et al., Post Office Box 52332, Houston, Tex. 77052.	340	5	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	3,000	12-26-68	[2] 1-26-69	6-26-69	13.0	[3] [4] 14.0	
	do	290	[9] 11	do	130	12-26-68	[2] 1-26-69	6-26-69	[4] 14.2501	[4] [7] [8] 14.2993	RI68-161.
RI69-486..	Texaco, Inc.	341	11	do	30,000	12-26-68	[2] 1-26-69	6-26-69	13.0	[3] [4] 14.0	
	do	347	3	El Paso Natural Gas Co. (Cha Cha Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	60	12-26-68	[2] 1-26-69	6-26-69	13.0	[3] [4] 14.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1-cent minimum guarantee for liquids.
[6] No actual rate change is occurring because the present effective rate is inclusive of 1-cent per Mcf liquid guarantee whereas the proposed rate increase excludes 1-cent per Mcf liquid payment.
[7] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[8] Tax reimbursement base on additional 1-cent Mcf increase presently filed for.
[9] Not applicable to acreage added by Supplement No. 7.

All of the Respondents herein request effective dates for which adequate notice has not been given. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Texaco, Inc. (Operator) et al. (Texaco), proposed rate increase contained in Supplement No. 11 to Texaco's FPC Gas Rate Schedule No. 290 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement of the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Texaco's proposed increased rate and charge.

The basic contracts related to the proposed rate increases filed by Global Oils, Inc., Kay Kimbell Estate (Operator) et al., Great Lakes Natural Gas Corp., and Texaco, Inc. (Operator) et al. (Supplement No. 11 to Texaco's FPC Gas Rate Schedule No. 290), contain a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed increased rate. The aforementioned producers are advised that a notice of change in rate will be required if they intend to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket Nos. RI64–491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator) et al.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 69–1744; Filed, Feb. 12, 1969; 8:45 a.m.]

[Dockets Nos. RI69–508 etc.]

ATLANTIC RICHFIELD CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 5, 1969.

The Respondents named herein have filed proposed increased rates and

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before March 26, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-508..	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, Tex. 75221, Attention: Richard M. Young, Esq.	9	11	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	$902	1-6-69	[2] 2-6-69	7-6-69	13.6507	[3] [4] 13.7398	
RI69-509..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	185	5	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.).	28,800	1-17-69	[2] 2-17-69	7-17-69	[5] 16.528	[4] [6] 17.080	

[1] The stated effective date is the effective date requested by Respondent.
[2] Increase up to current contract rate.
[3] Pressure base is 14.65 p.s.i.a.
[4] Periodic rate increase.
[5] Initial rate.

Atlantic Richfield Co. (Operator) et al., and Sun Oil Co.'s proposed increased rates and charges relate to sales in New Mexico and exceed the area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 69-1743; Filed, Feb. 12, 1969; 8:45 a.m.]

[Docket No. AR64-1, etc.]

AREA RATE PROCEEDING, ET AL.

Order Severing Issue for Early Decision

FEBRUARY 4, 1969.

In Opinion No. 468-A, the Permian Basin Area Rate proceeding, 34 FPC 1068, 1072 (1965), we dealt with a contention by producers that it would be inappropriate to treat some or all of the new production on already committed acreage as old gas by setting that issue for a full hearing as part of this proceeding. We noted at that time that if there was to be any change in policy as a result of this proceeding the change would be applied prospectively in the Permian Basin. In Opinion No. 546, as applicable to the Southern Louisiana area, we likewise deferred that issue to this proceeding.

The issue of the proper price for new production on already committed acreage has been the subject of testimony in this case, and has been decided by Examiner Kane in his initial opinion herein. Briefs on exceptions have been filed, and briefs in opposition to exceptions are due to be filed on February 14, 1969. In veiw of the obvious importance of this issue to the parties in other area rate proceedings, and in view of its comparatively narrow scope, no purpose would be served by delaying the resolution thereof until all of the many complex issues in this proceeding are resolved. Consequently, we believe it appropriate to sever this issue from the remainder of the proceeding herein for expedited decision.

The Commission finds: Severance of the issue of the proper price for gas from new production on already committed acreage for expedited decision will serve the public interest.

The Commission orders: The issue of the proper price for new production on already committed acreage is severed from the remainder of the area rate proceeding herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-1812; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. CI61-926 etc.]

CLEARY PETROLEUM CORP.

Notice of Application

FEBRUARY 4, 1969.

Take notice that on December 26, 1968, Cleary Petroleum Corp. (Petitioner), 310 Kermac Building, Oklahoma City, Okla. 73102, filed in Docket No. CI61-926 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Cleary Petroleum, Inc., and Douglas Resources Corp. by substituting petitioner as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that Cleary Petroleum, Inc., was a wholly owned subsidiary of Douglas Resources Corp. and that as a result of a corporate reorganization, the corporate name Douglas Resources Corp. was changed to Cleary Petroleum Corp. effective as of June 26, 1968. To complete the reorganization, Cleary Petroleum, Inc., was then merged into the parent corporation, Cleary Petroleum Corp., effective as of November 29, 1968. Petitioner further states that it will continue without change all sales of natural gas heretofore authorized to be made by Cleary Petroleum, Inc., or Douglas Resources Corp.

Accordingly, Petitioner requests that Cleary Petroleum Corp. be substituted as certificate holder in lieu of Cleary Petroleum, Inc., and Douglas Resources Corp., and that all rate schedules presently on file with the Commission for each of the aforementioned parties be redesignated as Cleary Petroleum Corp. FPC gas rate schedules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-1813; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. RP69-17]

HOME GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, and Providing Hearing Procedures

FEBRUARY 4, 1969.

Home Gas Co. (Home) on December 27, 1968, tendered for filing proposed changes in its presently effective FPC Gas Tariff, Fourth Revised Volume No. 1.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $1,145,848 annually based on sales for the year ending August 31, 1968, as adjusted. The changes are proposed to become effective February 10, 1969.

Home states that the principal reasons for the proposed rate increases are: (1) Increased cost of capital due to changed economic conditions, requiring a rate of return of 7.5 percent; (2) increased cost of purchased gas; (3) recognition of current inflationary trends affecting costs, by the allowance of a 4 percent inflation factor; and (4) increased costs of labor, supplies, expenses, and construction.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Home's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held commencing February 18, 1969, at 10 a.m., 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Home's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until July 10, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on February 18, 1969, Home's prepared testimony (Statement P) filed and served on January 10, 1969, together with its entire rate filing as submitted and served on December 27, 1968, shall be admitted to the record as Home's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of Home's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and Home's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) The Presiding Examiner to be designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-1814; Filed, Feb. 12, 1969; 8:46 a.m.]

[1] Proposed revised Tariff Sheets: First Revised Sheet No. 38; Second Revised Sheet Nos. 6, 7, 8, 30, 37; Third Revised Sheet No. 33.

[Docket No. CP69-201]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

FEBRUARY 4, 1969.

Take notice that on January 27, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Adams County, Nebr. 68901, filed in Docket No. CP69-201 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas into Colorado from non-Colorado sources for resale to Applicant's wholesale and retail customers in northeastern Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the said proposal is necessary due to depletion of gas supplies in the State of Colorado available to meet the needs of said customers.

Applicant proposes no new facilities to be constructed in connection with the aforementioned transportation and sale.

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 March 3, 1969.

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 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 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.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-1815; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. RP69-16]

MANUFACTURERS LIGHT AND HEAT CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, and Providing Hearing Procedures

FEBRUARY 4, 1969.

The Manufacturers Light and Heat Co. (Manufacturers) on December 27, 1968, tendered for filing proposed changes in its presently effective FPC Gas Tariff, Fifth Revised Volume No. 1.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $5,791,798 annually based on sales for the year ending August 31, 1968, as adjusted. The changes are proposed to become effective February 10, 1969.

Manufacturers states that the principal reasons for the proposed rate increases are: (1) Increased cost of capital due to changed economic conditions, requiring a rate of return of 7.5 percent; (2) increased cost of purchased gas; (3) recognition of current inflationary trends affecting costs, by the allowance of a 4 percent inflation factor; and (4) in-

[1] Proposed revised Tariff Sheets: Second Revised Sheet Nos. 22, 31; Third Revised Sheet Nos. 6, 7, 8, 23, 30; Fifth Revised Sheet No. 26.

creased costs of labor, supplies, expenses, and construction.

Manufacturers requests that, if the proposed changes in its tariff are suspended, the suspension period be so limited as to permit the increased rates to be placed into effect subject to refund as of the same date that the increased rates of Texas Eastern Transmission Corp. in docket No. RP69–13 become effective. In support of this request, Manufacturers says that it will be exposed to increased gas purchase cost from Texas Eastern in the amount of $285,700 between May 15, 1969, and July 10, 1969. Good cause has not been shown for shortening the suspension period permitted by the Natural Gas Act.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Manufacturers FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing February 18, 1969, at 10 a.m., 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Manufacturers' proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until July 10, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on February 18, 1969, Manufacturers' prepared testimony (Statement P) filed and served on January 10, 1969, together with its entire rate filing as submitted and served on December 27, 1968, shall be admitted to the record as Manufacturers' complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of Manufacturers' complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and Manufacturers' rebuttal evidence of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) The Presiding Examiner to be designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–1816; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. CP69–204]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 4, 1969.

Take notice that on January 29, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69–204 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 certain natural gas facilities and the sale and delivery of additional volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to utilize its Redfield Storage facility to supply approximately 57,000 Mcf of gas per day and construct additional pipeline facilities to provide 31,000 Mcf per day and to transport and sell said gas under a new Winter Period Service Rate Schedule (WPS). Applicant states that the above-mentioned firm service will be available to utility customers, beginning in 1969, for the period December 15 through March 15 of each heating season.

The application states that the proposed service is necessary to meet customer peak service demand.

The application further states that 34 of Applicant's customers have nominated 88,241 Mcf per day of WPS for the 1969–70 heating season.

Total estimated cost of the proposed facilities to provide the above-mentioned service is $9,645,000. Financing will be from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 3, 1969.

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 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 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.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–1817; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. CP69–205]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 4, 1969.

Take notice that on January 29, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69–205 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to provide an additional 1,500 Mcf per day of contract demand to Northwestern Public Service Co. (NWPS) and 200 Mcf per day to Central Natural Gas Co. (Central) to maintain adequate service to presently served communities.

Applicant states that no new facilities are required for the proposed increase in service.

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 March 3, 1969.

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 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 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1818; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. RP69-18]

OHIO FUEL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, and Providing Hearing Procedures

FEBRUARY 4, 1969.

The Ohio Fuel Gas Co. (Ohio Fuel) on December 27, 1968, tendered for filing proposed changes in its presently effective FPC Gas Tariff, Fourth Revised Volume No. 1.[1] The proposed changes would result in an estimate increase in jurisdictional revenues of $7,757,164 annually. The changes are proposed to become effective February 10, 1969.

Ohio Fuel states that the principal reasons for the proposed rate increases are: (1) Increased cost of capital due to changed economic conditions, requiring a rate of return of 7.5 percent; (2) increased cost of purchased gas; (3) increased costs of labor, supplies, expenses, and construction; and (4) increased costs due to the current inflationary trend.

Ohio Fuel requests that if the proposed changes in its tariff are suspended, the suspension period be so limited as to permit the increased rates to be placed into effect subject to refund as of the same date that the increased rates of Texas Eastern Transmission Corp. in Docket No. RP69-13 become effective. In support of this request, Ohio Fuel says that it will be exposed to increased gas purchase cost from Texas Eastern in the amount of $263,000 between May 15, 1969, and July 10, 1969. Good cause has not been shown for shortening the suspension period permitted by the Natural Gas Act.

[1] Proposed revised Tariff Sheets: Second Revised Sheet No. 18, 23, 43, 50, 80; Third Revised Sheet No. 7, 8, 10, 12, 13, 16, 17, 21, 22, 47; Fourth Revised Sheet No. 6, 11, 38, 40, 42; Fifth Revised Sheet No. 15, 20, 45.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Ohio Fuel's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held February 18, 1969, at 10 a.m., 441 G. Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in Ohio Fuel's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Ohio Fuel's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until July 10, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on February 18, 1969, Ohio Fuel's prepared testimony (Statement P) filed and served on January 10, 1969, together with its entire rate filing as submitted and served on December 27, 1968, shall be admitted to the record as Ohio Fuel's complete case-in-chief as provided in the Commission's Regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of Ohio Fuel's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and Ohio Fuel's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) The Presiding Examiner to be designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1819; Filed, Feb. 12, 1969; 8:45 a.m.]

[Docket No. CP68-243]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

FEBRUARY 4, 1969.

Take notice that on January 29, 1969, Texas Gas Transmission Corp. (Petitioner), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP68-243 a petition to amend the order of the Commission issued in said docket July 2, 1968, which order authorized Petitioner to construct and operate a 2,000 horsepower compressor unit at Petitioner's Morgan City, La., Compressor Station.

By the instant filing Petitioner seeks to amend said order to authorize construction and operation of said compressor unit at Petitioner's Lafayette, La., Compressor Station instead of at Morgan City.

Petitioner states that by moving the said compressor unit to Lafayette, Petitioner will obtain greater operating flexibility in its Southern Louisiana system in transporting gas purchased on the suction side of the Lafayette, La., Compressor Station.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 3, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1820; Filed, Feb. 12, 1969; 8:46 a.m.]

[Docket No. CP69-209]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

FEBRUARY 6, 1969.

Take notice that on February 3, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP69-209 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 certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities on its 18-inch Line "L" in Columbia County, Ark., to effect the direct sale of gas for industrial consumption under an industrial gas sales contract with Bromet Co.

Total estimated cost of the proposed construction is $20,060. Financing will be provided from cash on hand and short-term loans until included in a long-term financing issue at a later date.

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 March 7, 1969.

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 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 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1860; Filed, Feb. 12, 1969; 8:50 a.m.]

[Docket No. CP69-210]

COLORADO INTERSTATE GAS CO.

Notice of Application

FEBRUARY 6, 1969.

Take notice that on February 3, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-210 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the 12-month period from April 1, 1969, to April 1, 1970, and operate various gas-purchase facilities, including pipeline, metering, and compression facilities, for the connection of additional supplies of natural gas.

Applicant states that the above-mentioned facilities are to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting new supplies of gas in various producing areas generally coextensive with its system.

The total estimated cost of the proposed facilities will not exceed $800,000 with no single project to exceed $200,000. The proposed facilities will be financed from funds on hand, funds from operations, or short-term bank loans.

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 March 7, 1969.

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 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 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1861; Filed, Feb. 12, 1969; 8:50 a.m.]

[Docket No. CP69-207]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

FEBRUARY 6, 1969.

Take notice that on January 31, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-207 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render increased natural gas service to an existing storage service customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to increase the volume of natural gas to be stored by it for Transcontinental Gas Pipe Line Corp. (Transco) from a maximum of 13,575,000 Mcf for periods beginning April 1, 1969, to a maximum of 23,975,000 Mcf, and to increase its maximum daily deliveries of said stored gas to Transco from 263,500 Mcf to 398,500 Mcf.

Applicant states that the increased storage and delivery service proposed is necessary to enable Transco to render increased storage service for its customers.

The application states that no additional facilities are required for the proposal.

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 March 6, 1969.

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 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 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1862; Filed, Feb. 12, 1969; 8:50 a.m.]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 6, 1969.

Take notice that on February 3, 1969, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP69-208 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to abandon by sale to the city of Henderson, Ky. (Henderson), facilities consisting of approximately 2.48 miles of 6-inch pipeline and 0.19 miles of 4-inch pipeline, farm taps, and two measuring and regulating stations, together with all land, right-of-way properties, and easements appurtenant thereto. Applicant also seeks permission to remove

and salvage two measuring and regulating stations.

Applicant seeks authority to construct and operate a metering station to enable Applicant to deliver gas to Henderson after the sale of the facilities described above. Applicant states that Henderson is an existing customer and that the proposed abandonment will have no detrimental effects upon Applicant or its customers.

Total estimated cost of the proposed facilities is $17,611. Financing will be 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 pfocedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 7, 1969.

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 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 and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1863; Filed, Feb. 12, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

HAMILTON NATIONAL ASSOCIATES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Hamilton National Associates, Inc., which is a bank holding company located in Chattanooga, Tenn., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 7th day of February 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1821; Filed, Feb. 12, 1969; 8:47 a.m.]

SUMMIT AND ELIZABETH TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Summit and Elizabeth Trust Co. for approval of merger with Clark State Bank and Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Summit and Elizabeth Trust Co., Summit, N.J., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Clark State Bank and Trust Co., Clark, N.J., under the charter and title of Summit and Elizabeth Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 6th day of February 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1822; Filed, Feb. 12, 1969; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

OREGON BANK

Order Approving Merger of Banks

In the matter of the application of The Oregon Bank for approval of merger with Citizens Bank of Oregon.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Oregon Bank, Portland, Oreg., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Citizens Bank of Oregon, Lake Oswego, Oreg., under the charter and title of The Oregon Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved; *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this Order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 6th day of February 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1864; Filed, Feb. 12, 1969; 8:50 a.m.]

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Governor Brimmer.

OFFICE OF EMERGENCY PREPAREDNESS

MINIATURE AND INSTRUMENT PRECISION BALL BEARINGS

Investigation of Imports

Notice is hereby given that in accordance with the provisions of section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, the Director of the Office of Emergency Preparedness has ordered an investigation to determine whether or not Miniature and Instrument Precision Ball Bearings are being imported into the United States in such quantities or under such circumstances as to threaten to impair national security. An application to OEP for such action was filed by The Anti-Friction Bearing Manufacturers Association of New York City on behalf of the domestic manufacturers of Miniature and Instrument Precision Ball Bearings.

Any interested party may submit to the Director 25 copies of any comment, opinion, or data relative to the investigation within 45 days after the date of this public notice. Rebuttal to material so submitted may be filed with the Director within 75 days after such public notice.

Dated: February 7, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-1839; Filed, Feb. 12, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

MAJESTIC CAPITAL CORP.

Order Suspending Trading

FEBRUARY 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Majestic Capital Corp., Encino, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 9, 1969 through February 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-1873; Filed, Feb. 12, 1969; 8:51 a.m.]

DUMONT CORP.

Order Suspending Trading

FEBRUARY 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B Common Stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 9, 1969 through February 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-1874; Filed, Feb. 12, 1969; 8:51 a.m.]

OMEGA EQUITIES CORP.

Order Suspending Trading

FEBRUARY 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Omega Equities Corporation, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 8, 1969, through February 17, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-1875; Filed, Feb. 12, 1969; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 694]

OREGON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the counties of Coos, Curry, Douglas, Lane, and Multnomah, in the State of Oregon;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from heavy snow storms occurring during the month of January, 1969.

OFFICE

Small Business Administration Regional Office, 921 Southwest Washington Street, Portland, Oreg. 97205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1969.

Dated: February 4, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-1841; Filed, Feb. 12, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1268]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 7, 1969.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 17829 (Sub-No. 13), filed January 21, 1969. Applicant: DISILVA TRANSPORTATION, INC., 42 Middlesex Avenue, Somerville, Mass. 02145. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between Boston, Cambridge, Somerville, Watertown, Newton, Norwood, and Lawrence, Mass., on the one hand, and, on the other, points in Maine (except those in Aroostock County), New Hampshire, Vermont, and Connecticut, under a continuing contract or contracts with Star Market Co., of Cambridge, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 20841 (Sub-No. 6), filed January 21, 1969. Applicant: MARATHON FREIGHT LINES, INC., 2400 83d Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* in mechanical refrigerated equipment, from the facilities of Mason Candies, Inc., Mineola, N.Y., to the General Warehouse Corp., at North Bergen, N.J. NOTE: Applicant states tacking possibilities with its present authority at North Bergen, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 21720 (Sub-No. 7), filed January 27, 1969. Applicant: WILLIAM M. STEGMEIER, doing business as PANTHER VALLEY CARRIERS, Tamaqua, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Philadelphia, Pa., to points in New Jersey, New York, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states if this instant application is granted it will request revocation of MC 21720 Sub 4. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 52), filed January 6, 1969. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: K. Edward Wolcott and Ralph B. Matthews, Post Office Box 1918, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, Tenn., and Lake City, Fla., from Memphis, Tenn., over U.S. Highway 78 to Tupelo, Miss.; thence over U.S. Highway 45 to Columbus, Miss.; thence over U.S. Highway 82 to Montgomery, Ala.; thence over U.S. Highway 231 to Dothan, Ala.; thence over U.S. Highway 84 to Thomasville, Ga., thence over U.S. Highway 19 to Monticello, Fla.; thence over U.S. Highway 90 to Lake City, Fla., and return over same route, serving no intermediate points; and (2) between Memphis, Tenn., and Brooksville, Fla., from Memphis, Tenn., to Monticello, Fla., as specified above; thence over U.S. Highway 19 to junction U.S. Highway 98 approximately 15 miles northeast of Brooksville, Fla.; thence over U.S. Highway 98 to Brooksville and return over the same route, serving no intermediate points; service in (1) and (2) above are for alternate routes for operating convenience only, in connection with carrier's otherwise authorized operations. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Memphis, Tenn.

No. MC 41404 (Sub-No. 80), filed January 17, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Table spreads*, and (b) *products made with vegetable oils* and/or *animal fats*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., to points in Alabama, Arkansas, Georgia, Indiana (except points in the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Lower Peninsula of Michigan, Minnesota (except points in the Minneapolis-St. Paul commercial zone as defined by the Commission), Mississippi, Missouri, Nebraska, Ohio, North Dakota, South Dakota, and Tennessee, restricted against liquid commodities in tank vehicles, or commodities in bulk requiring special equipment. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 51146 (Sub-No. 113) (Amendment), filed November 7, 1968, published FEDERAL REGISTER issue of November 28, 1968, amended January 23, 1969, and republished as amended this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories; and materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from Kankakee, Ill., to points in Arkansas, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that no duplicating authority is sought. The purpose of this republication is to broaden the destination territory. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 68078 (Sub-No. 29), filed January 16, 1969. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives,

household goods as defined by the Commission, commodities requiring special equipment), between Mobile, Ala., and New Orleans, La.; from Mobile, Ala., over U.S. Highway 90, to New Orleans, La., and return over same route, serving all intermediate points and serving all points within 20 miles of New Orleans (defined as Parishes of Orleans, St. Tammany, St. Bernard, St. Charles, St. John the Baptist, Jefferson, and Plaquemines). NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 76032 (Sub-No. 235), filed January 22, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), (1) between Stratford, Tex., and Dalhart, Tex., from Stratford over U.S. Highway 54 to Dalhart, and return over the same route, serving no intermediate points; and (2) between Santa Rosa, N. Mex., and Tularosa, N. Mex., from Santa Rosa over U.S. Highway 54 to Tularosa, and return over the same route, serving no intermediate points; as alternate routes for operating convenience only, in connection with carrier's regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 77972 (Sub-No. 13), filed January 24, 1969. Applicant: MERCHANTS TRUCK LINE, INC., Summer Street, Post Office Box 209, New Albany, Miss. Applicant's representative: Rubel L. Phillips, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, (1) between Philadelphia, Miss., and Forest, Miss., from Philadelphia over Mississippi Highway 19 to Meridian, thence over U.S. Highway 80 (and Interstate Highway 20) to Forest and return over the same route serving all intermediate points and (2) between Decatur and Newton, Miss., from Decatur over Mississippi Highway 15 to Newton and return over the same route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Meridian or Jackson, Miss.

No. MC 84340 (Sub-No. 9), filed January 23, 1969. Applicant: APACHE VAN LINES, INC., 401 Georgia, Pine Bluff, Ark. 71601. Applicant's representative: Douglas C. Wynn, 618 Washington Avenue, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *new furniture*, between points in Arkansas, Louisiana, Mississippi, and Tennessee. NOTE: By this instant application, applicant will seek cancellation of its MC 84340. If a hearing is deemed necessary, applicant requests it be held at Pine Bluff, Ark., Greenville, Miss., or Little Rock, Ark.

No. MC 85465 (Sub-No. 15) (Amendment), filed December 6, 1968, published FEDERAL REGISTER issue of January 3, 1969, amended January 10, 1969, and republished as amended this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh hams*, (a) from Austin, Minn., Sioux Falls, and Huron, S. Dak., Wichita, Kans., Chicago, Ill., and points in Missouri and Iowa, to Scottsbluff, Nebr., and (b) from Scottsbluff, Nebr., to Delphos, Ohio. NOTE: The purpose of this republication is to more clearly set forth the proposed authority sought. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 103993 (Sub-No. 373), filed January 27, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper jacks, snow mobiles, parts and accessories*, from Wahoo, Nebr., to points in the United States (excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106644 (Sub-No. 94), filed January 23, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry kiln outfits, and parts and accessories thereof; materials handling and conveying machinery, and equipment, and parts and accessories thereof*, from Jacksonville, Fla. and/or points in Duval County, Fla., and points in Shelby, Tenn., to points in Arizona, California, Colorado, Idaho, Kansas, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it intends to tack authority sought where possible with its existing authority set forth in MC 106644 and subs. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 106644 (Sub-No. 95), filed January 28, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials, and supplies, and quartermaster supplies* (except household goods and commodities in bulk), between military installations or Defense Department establishments in the United States (except Hawaii and Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 165), filed January 24, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, including accessories* used in the installation thereof, from Philadelphia, Pa., Keyser, W. Va., and Junction City, Ky., to points in the United States (except Hawaii and Alaska). NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 108068 (Sub-No. 76), filed January 23, 1969. Applicant: U. S. A. C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: Wilburn Williamson, 450 American-National Building, Oklahoma City, Okla. 73102, and A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel* articles, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in Illinois, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Kentucky, and (2) *Materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Illinois, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Kentucky to the plant or warehouse sites of Continental Steel Corp., Howard County, Ind. Restriction: Restricted to traffic originating at or destined to the above named origins and destinations and (2) restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 108117 (Sub-No. 5), filed January 6, 1969. Applicant: WILLIAM H. PATTERSON, JR. AND RALPH PATTERSON, a partnership, doing business as PATTERSON TRUCKING, 46 Waln Avenue, Yardville, N.J. 08620. Applicant's representative: James F. Lawler, 37 South 20th Street, Philadelphia, Pa. 19103. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, from York, Pa., to the plantsite of Agway, Inc., Fertilizer Division; at Yardville, N.J., under contract with Agway, Inc., Fertilizer Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Trenton or Camden, N.J.

No. MC 108207 (Sub-No. 253), filed January 17, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lemon juice and advertising material pertaining thereto*, from Jackson, Miss., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Jackson, Miss.

No. MC 109236 (Sub-No. 21), filed January 17, 1969. Applicant: G. GRANT SIMS, ELMER L. SIMS, AND M. K. SIMS (GEORGE MILTON SIMS, ELMER L. SIMS, AND BEVERLY SIMS CANDLAND, EXECUTORS), a partnership, doing business as, SALT LAKE TRANSFER COMPANY, 35 South Fifth West, Salt Lake City, Utah 84101. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and construction equipment* (restricted against the movement to or from any point in Colorado, of commodities which because of size or weight require special equipment or special handling and of self-propelled articles weighing 15,000 pounds, or more), between points in Utah, Colorado, west of the Continental Divide and points in San Juan and Rio Arriba Counties, N. Mex. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Denver, Colo., or Albuquerque, N. Mex.

No. MC 109672 (Sub-No. 11), filed January 15, 1969. Applicant: BOYCE MOTOR LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hackensack, N.J., and junction Interstate Highway 81 and New York Highway 5, from Hackensack, over New Jersey Highway 17 to New Jersey-New York State line, thence over New York Highway 17 to junction 81 and New York Highway 17, thence over Interstate Highway 81 to junction Interstate Highway 81 and New York Highway 5, and return over the same route, as an alternate route for operating convenience only, serving junction Interstate Highway 81 and New York Highway 17 for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 110525 (Sub-No. 891), filed January 6, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals and dry plastic materials*, in bulk, in tank or hopper-type vehicles, from Avon Lake, Ohio, and Cleveland, Ohio, to points in Delaware, Indiana, Illinois, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, Arkansas, Iowa, Kansas, Missouri, Nebraska, Tennessee, Connecticut, Massachusetts, Maine, Rhode Island, Vermont, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 273), filed January 23, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, dry; fertilizer compounds, dry; fertilizer materials, dry;* and *blends* thereof, in bulk and in containers, from Beaumont, Tex., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it is possible to tack at Sheerin, Tex., to serve points in Nebraska west of U.S. Highway 81. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Houston or Dallas, Tex.

No. MC 113362 (Sub-No. 156), filed January 24, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, from Oil City, Petrolia, Reno, and Rouseville, Pa., to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Buffalo, N.Y.

No. MC 113388 (Sub-No. 86), filed January 23, 1969. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Syracuse, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 337), filed January 23, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, table sauces, table spreads, salad dressings, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, animal fats, products made with vegetable oils and/or animal fats*, in containers in vehicles equipped for controlled temperatures, from points in Morgan County, Ill., to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Washington, D.C., Virginia, West Virginia, New Hampshire, Vermont, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 115331 (Sub-No. 264), filed January 23, 1969. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch, roofing and paving*, in bulk, in tank vehicles and in drums, from Granite City, Ill., to points in Arkansas, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 116325 (Sub-No. 58) (Correction), filed January 13, 1969, published FEDERAL REGISTER issue of February 6, 1969, corrected and republished as corrected, this issue. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, (1) between points in Missouri on and east of Missouri Highway 51; and (2) between points in Missouri on and east of Missouri Highway 51 (Southeast Missouri) on the one hand, and points in Missouri, and Arkansas, on the other. NOTE: Applicant states there may be tacking or joining possibilities. The purpose of this republication is to show in (2) above "Missouri Highway 51," which number was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 117883 (Sub-No. 119), filed January 21, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representatives: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380 and

Jack Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods and food products, and advertising equipment, materials and supplies* when shipped therewith, from Philadelphia, Pa., Wilmington, Del., and points in Bucks, Montgomery, Delaware, Chester, Lancaster, Dauphin, Lebanon, and Berks Counties, Pa., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, West Virginia, and points in Pennsylvania on and west of U.S. Highway 219, and (2) *foods and food products* and *materials and supplies* used or useful in their preparation, serving, or consumption of foods and food products, including *premiums and advertising materials and special containers or racks* used in the transportation of these commodities, from the plantsite and warehouse facilities of American Sugar Co., at Philadelphia, Pa., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, West Virginia, and points in Pennsylvania on and west of U.S. Highway 219. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119710 (Sub-No. 16), filed January 16, 1969. Applicant: SHUPE BROS. CO., a corporation, Post Office Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Colorado, Wyoming, Idaho, Texas, New Mexico, Utah, North Dakota, and South Dakota to Billings, Mont., Garden City, Kans., Hereford, Tex., and Lucerne, Colo., restricted to service performed under contract with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119988 (Sub-No. 22), filed January 27, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Drive, Lufkin, Tex. 75901. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Oklahoma, restricted against the transportation of shipments to Oklahoma City, Tulsa, and Sapulpa and the respective commercial zones thereof, and points on U.S. Highway 77 (Interstate Highway 35) between the Texas-Oklahoma State line and Oklahoma City. NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 124774 (Sub-No. 77), filed January 27, 1969. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* moving in vehicles equipped with mechanical temperature control devices, from points in Idaho on and south of U.S. Highway 26 to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 127634 (Sub-No. 3), filed January 27, 1969. Applicant: JAMES J. GAMBRELL, doing business as GAMBRELL MOBILE HOME TRAILER TOWING, 1820 Fairview Avenue, Augusta, Ga. 30904. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in initial movements, from Milledgeville, Ga., to points in Florida, Mississippi, and Lousiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, or Augusta, Ga., or Columbia, S.C.

No. MC 127834 (Sub-No. 28), filed January 27, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum lamp posts* and *accessories*, from Nashville, Tenn., to points in the United States (except Alaska, Hawaii, Washington, Oregon, Idaho, Montana, Wyoming, Utah, California, Arizona, New Mexico, and Nevada). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128527 (Sub-No. 10), filed January 17, 1969. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, Idaho 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, bulk petroleum, and commodities injurious or contaminating to other lading), between points in Oregon, on the one hand, and, on the other, points in Ada, Boise, Canyon, Elmore, Gem, Owyhee, Payette, and Washington Counties, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128878 (Sub-No. 10), filed January 21, 1969. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 961, Shreveport, La. 71102. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701, and C. Wade Shemwell, Post Office Box 961, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, dry; *fertilizer compounds*, dry; *fertilizer materials*, dry; and *blends thereof*, in bulk, and in containers, from Beaumont, Tex., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Houston, or Dallas, Tex.

No. MC 129326 (Sub-No. 11), filed January 23, 1969. Applicant: WHITNEY TANK LINES, INC., 5201 Causeway Boulevard, Post Office Box 1091, Tampa, Fla. 33601. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Tampa, Fla., to points in Alabama, Florida, Georiga, Mississippi, North Carolina, South Carolina, Tennessee, and to Charleston, W. Va.; Taft, La., and Texas City, Tex. NOTE: Applicant states it intends to join the sought authority at Tampa, Fla., to presently held authority in its Sub 3. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 129445 (Sub-No. 5), filed January 23, 1969. Applicant: DIXIE TRANSPORT CO. OF TEXAS, 3840 Interstate 10S, Post Office Box 5447, Beaumont, Tex. 77706. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, dry, *fertilizer compounds*, dry, *fertilizer materials*, dry, and *blends thereof*, dry, in bulk and in containers, from Beaumont, Tex., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Houston or Dallas, Tex.

No. MC 133070 (Sub-No. 2), filed January 15, 1969. Applicant: TRANS-AIR SERVICE, INC., Post Office Box 230, Buffalo, N.Y. 14225. Applicant's representative: Earl M. Rhoney, Post Office Box 119, La Salle Station, Niagara Falls, N.Y. 14304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle radiator, heater, and air conditioner parts*, and (2) *unfinished steel and mill supply equipment*, between Lockport, N.Y., The Greater Buffalo International Airport, Cheektowaga, N.Y., and Buffalo, N.Y., on traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 133250 (Sub-No. 2), filed January 21, 1969. Applicant: UNITED AGRICULTURAL TRANSPORTATION ASSOCIATION OF AMERICA MARKETING CO-OP, a corporation, Post Office Box 541, Lynwood, Calif. 90262. Applicant's representatives: Laurence A. Short, 1824 R Street NW., Washington, D.C. 20009, and J. Donald Kenny, 901 Alcoa Building, 1 Maritime Plaza, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, articles of unusual value, commodities requiring special equipment, and classes A and B explosives), (a) between points in California, Oregon, Washington, Utah, Arizona, and Nevada on the one hand, and, on the other, points in Texas, Iowa, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Virginia, Kentucky, Tennessee, and Georgia, and (b) between points in California on the one hand, and, on the other, points in Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133263 (Sub-No. 1), filed January 16, 1969. Applicant: PAUL LESSARD, doing business as PAUL LESSARD TRANSPORT REG'D., 851 St. Germain Boulevard, Louiseville, Province of Quebec, Canada. Applicant's representative: Adrien Roger Paquette, 200 St. James Street West, Suite 1010, Montreal, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caseinnette* (skim milk product) in bags (except commodities in bulk, in tank vehicle), from ports of entry on the international boundary line between the United States and Canada at or near Champlain, Rouses Point, and Ogdensburg, N.Y., to Champlain, Rouses Point, and Ogdensburg, N.Y., under contract with Montreal Casein Co. Ltd., Louiseville, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Albany or Plattsburgh, N.Y.

No. MC 133344 (Sub-No. 1), filed January 16, 1969. Applicant: KENNETH MEYERS, doing business as LEAVENWORTH MOVING AND STORAGE COMPANY, 210 Seneca Street, Leavenworth, Kans. 66048. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66063. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Doniphan, Atchison, Jackson, Jefferson, Leavenworth, Douglas, and Wyandotte Counties, Kans.; and Buchanan, Platte, and Andrew Counties, Mo., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or, unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 133357 (Sub-No. 1), filed January 22, 1969. Applicant: THOMAS VINCENT MILLER, doing business as T. V. MILLER TRANSPORT, 9024 Old Branch Avenue, Clinton, Md. 20735. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and wallboard*, (1) from Baltimore, Md., to the District of Columbia and points in Prince William, Loudoun, Fairfax, and Arlington Counties, Va., and Richmond, Fredericksburg, Milford, Alexandria, Falls Church, and Fairfax, Va., and (2) from Alexandria, Va., to points in Frederick, Montgomery, Prince Georges, and Charles Counties, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 133394 (Sub-No. 1) (Correction), filed December 23, 1968, published in the FEDERAL REGISTER issue of January 24, 1969, under MC 133380, and republished as corrected this issue. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from the warehouse of River Road Warehouse, Pennsauken, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract with River Road Warehouse. NOTE: Applicant holds common carrier authority in MC 59332, therefore, dual operations may be involved. The purpose of this republication is to reflect the correct docket number assigned as MC 133394 (Sub-No. 1) in lieu of MC 133380 as shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133423, filed January 20, 1969. Applicant: S & Y, INC., Post Office Box 2, Stanton, Tenn. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heaters, air conditioners, air handlers, and cooling towers*, from Brownsville, Tenn., to Memphis, Tenn., on traffic having a subsequent out-of-state movement under contract with American Air Filter Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 133428, filed January 21, 1969. Applicant: RONALD D. ADAMS, doing business as ADAMS TRUCKING, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated grain bins and parts and accessories thereof*, from Webster City, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, under contract with Modern Farm Systems, Inc., of Webster City, Iowa. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133443 (Correction), filed December 24, 1968, published in the FEDERAL REGISTER, issue of January 30, 1969, as MC 5152 (Sub-No. 14), and republished as corrected this issue. Applicant: VANCOUVER FAST FREIGHT, INC., 304 Columbia Street, Vancouver, Wash. 98660. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shipping cartons*, other than corrugated, from Vancouver, Wash., to points in Oregon, Idaho, Gallatin County, Mont., and Weber and Salt Lake Counties, Utah; and (2) *pulpboard or paperboard*, in rolls or sheets, from Springfield, Oreg., to Vancouver, Wash. NOTE: Applicant conducts common carrier operations under MC 5152 and subs thereunder, therefore, dual operations may be involved. Also, common control may be involved. The purpose of this republication is to show the correct docket number assigned thereto, No. MC 133443, in lieu of No. MC 5152 (Sub-No. 14), which was in error. If a hearing is deemed necessary, applicant requests it be held at Vancouver, Wash.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 410), filed January 22, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between points in Teaneck, N.J.; from the junction of Cedar Lane and Teaneck Road, thence over Teaneck Road to junction of Fort Lee Road, and return over the same route serving all intermediate points. NOTE: Applicant states it will tack the above described route with its existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 133311, filed November 14, 1968. Applicant: ALFRED PAHLKE AND LORRAINE PAHLKE, a partnership, doing business as BARRINGTON TRANSPORTATION COMPANY, 507 Grove, Barrington, Ill. 60010. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations,

beginning and ending at points in Illinois bounded on the north by Illinois Highway 176, on the west by Illinois Highway 47, on the south by Du Page and Cook County line, and along such line as extended east to U.S. Highway 94, and on the east by U.S. Highway 94 and extending to points in Walworth and Waushara Counties, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12731 (Sub-No. 2), filed January 10, 1969. Applicant: TEENS N' TOURS, INC., Massapequa, N.Y. For a license (BMC 5) to engage in operations as a broker at Floral Park, N.Y., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in all expense round trip tours, in special and charter operations, beginning and ending at Merrick, Long Island, and at points in Nassau and Suffolk Counties, N.Y., west of New York Highway 112 and extending to points in the United States (including Alaska but excluding Hawaii).

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-267 (Sub-No. 3), Honolulu Freight Service Extension—Colorado, filed January 24, 1969. Applicant: HONOLULU FREIGHT SERVICE, 2425 Porter Street, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to extend operation as a freight forwarder in interstate or foreign commerce, in the transportation of *general commodities*, except for household goods, as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in Colorado and Nevada.

No. FF-354 (Amendment), Republic Household Goods Shipping Co. Freight Forwarder Application, filed September 6, 1968, published FEDERAL REGISTER, issue of September 26, 1968, and republished as amended this issue. Applicant: REPUBLIC HOUSEHOLD GOODS SHIPPING CO., a corporation, 9219 Hartford Road, Baltimore, Md. 21234. Applicant's representative: Elliott Bunce, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought under Part IV of the Interstate Commerce Act as a *freight forwarder* in interstate or foreign commerce, through the facilities of common carriers by rail and motor vehicles, in the transportation of *Household goods*, as defined by the Commission, *unaccompanied baggage, used automobiles, display automobiles, and uncrated furniture*, between points in the United States. NOTE: The purpose of this republication is to show that the commodities proposed to be transported have been broadened.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 128648 (Sub-No. 3), filed January 17, 1969. Applicant: TRANS UNITED, INC., 2531 Nebraska Street, South Gate, Calif. 90208. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90280. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, and Washington, to points in California, under a continuing contract with Customer Warehouse Co. NOTE: Applicant holds a pending common carrier application under MC 133244 (Sub-No. 1), therefore, dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1697; Filed, Feb. 12, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 10, 1969.

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. 41560—*Anhydrous ammonia from, to and between points in western trunkline territory*. Filed by Western Trunk Line Committee, agent (No. A-2577), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from, to and between points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 270 to Western Trunk Line Committee, agent, tariff ICC A-4411, and 3 other schedules named in the application.

FSA No. 41561—*Newsprint paper from Dalhousie, New Brunswick, Canada*. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2934), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Dalhousie, New Brunswick, Canada, to Brooklyn, Harlem River, and New York, N.Y.

Grounds for relief—Water competition.

Tariff—Supplement 30 to Canadian National Railways tariff ICC E. 543.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1878; Filed, Feb. 12, 1969; 8:52 a.m.]

[Notice 777]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 10, 1969.

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 83885 (Sub-No. 8 TA), filed January 27, 1969. Applicant: UNITED STATES TRUCKING CORP., 66 Murray Street, New York, N.Y. 10007. Applicant's representative: Arthur Libestein, 160 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, irregular routes, transporting: *Coin silver bars*, from New York, N.Y., to Plainville, Mass., under a continuing contract with General Services Administration of the United States for 150 days. Supporting shipper: John S. Peters, Director, Traffic Services Division, General Services Administration, Transportation and Communication Services, Washington, D.C. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 108207 (Sub-No. 255 TA), filed February 4, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street 75207, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*,

frozen, from Houston, Tex., to Indianapolis, Ind., for 180 days. Supporting shipper: Metabolic Research Foundation, Inc., 4520 Yoakum Boulevard, Houston, Tex. 77006. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111401 (Sub-No. 272 TA), filed January 27, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States; (2) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Conway, Kans., and destined to points in the named destination States; (3) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Greenwood, Nebr., and destined to points in the named destination States; (4) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: Cominco American, Inc., A. E. McDonald, Traffic Manager, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 113624 (Sub-No. 49 TA), filed January 27, 1969. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia;* (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma; restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States; (b) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska. Restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Conway, Kans., and destined to points in the named destination States; (c) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming. Restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Greenwood, Nebr., and destined to points in the named destination States; (d) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119489 (Sub-No. 21 TA), filed January 29, 1969. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, 2500 North 13th Street, Norfolk, Nebr. 68701. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex.; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States, for 180 days. Supporting shipper: Cominco American Inc., A. E. MacDonald, Manager, District and Traffic, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 129413 (Sub-No. 4 TA), filed January 29, 1969. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue 51107, Post Office Box 3072, Sioux City, Iowa 51102. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States, for 180 days. Supporting shipper: Cominco American Inc., A. E. MacDonald, Manager, District and Traffic, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1879; Filed, Feb. 12, 1969; 8:52 a.m.]

[Notice 293]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 10, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70941. By order of February 6, 1969, the Motor Carrier Board approved the transfer to Chieftain Van Lines, Inc., 7201 Main Street, Ralston, Nebr., of that portion of the operating rights in certificate No. MC-52409 issued to Bamrick Trucking Co., a corporation, doing business as Bamrick Trucking Co., Scottsbluff, Nebr. (corporate name changed to Livestock Transportation Express, Inc., doing business as LTX, whose address is Box 952, Scottsbluff, Nebr.), on March 30, 1956, authorizing the transportation, over irregular routes, of household goods between points in Morrill, Scotts Bluff, and Banner Counties, Nebr., on the one hand, and, on the other, points in South Dakota, Wyoming, Colorado, and Idaho, and between Scottsbluff, and points within 35 miles thereof, on the one hand, and, on the other, points in Colorado, Nebraska, South Dakota, and Wyoming, and emigrant movables between points in Morrill, Scotts Bluff, and Banner Counties, Nebr., on the one hand, and, on the other, points in South Dakota, Wyoming, Colorado, and Idaho.

No. MC-FC-70969. By amended order of January 31, 1969, the Motor Carrier Board approved the transfer to Thompson & Laird Moving & Storage, Inc., Storm Lake, Iowa, of the operating rights in certificate No. MC-115274 and permit No. MC-118716 issued June 3, 1955, and September 16, 1959, respectively, to C. M. Thompson and D. L. Laird, a partnership, doing business as Thompson & Laird Transfer & Storage Co., Storm Lake, Iowa, the certificate authorizing the transportation of household goods and emigrant movables, between Alta, Iowa, and points within 20 miles thereof, on the one hand, and, on the other, points in Minnesota, Nebraska, and South Dakota, and the permit authorizing the transportation of liquefied dry ice, in pressurized, insulated tank trailers, under continuing contract with the Pure Carbonic Co. from Storm Lake, Iowa, to points in that part of South Dakota on, east, and south, of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to Redfield, thence along U.S. Highway 212 to the South Dakota-Minnesota State line. *Dual operations were authorized.* D. L. Laird, 4 Colonial Circle, Storm Lake, Iowa 50588, representative for applicants.

No. MC-FC-70990. By order of February 7, 1969, the Motor Carrier Board, approved the transfer to Inter-City Bus Ltd., a corporation, St. Hyacinthe, Quebec, Canada; of certificate No. MC-113656 (Sub-No. 1), issued January 13, 1955, to Inter-City Bus Lines, Inc., St. Hyacinthe, Quebec, Canada, authorizing the transportation of: Passengers and their baggage, between Richford, Vt., and the international boundary line between the United States and Canada. Clifton G. Parker, Fleetwood Building, Morrisville, Vt. 05661, attorney for applicants.

No. MC-FC-71025. By order of January 30, 1969, the Motor Carrier Board approved the transfer to Johnstown-Pittsburgh Express, Inc., Pittsburgh, Pa., of that portion of the operating rights in certificate No. MC-36986 issued September 7, 1943, to Harry Alwine Moving & Storage Co., Inc., Johnstown, Pa., authorizing the transportation, over irregular routes, of general commodities except those of unusual value, and except dangerous explosives, livestock, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Johnstown, Pa., to points in Pennsylvania within 45 miles of Johnstown, petroleum products from Baltimore, Md., to Johnstown, Pa., and empty petroleum product containers from Johnstown, Pa., to Baltimore, Md. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-71076. By order of January 30, 1969, the Motor Carrier Board approved the transfer to Northwestern National Bank of Sioux Falls, S. Dak., a corporation, doing business as Northwestern Travel Agency, Sioux Falls, S. Dak., of the brokerage license No. MC-12875 issued March 10, 1964, to Holiday Travel Service, Inc., Sioux Falls, S. Dak., authorizing the holder thereof to engage in operations, as a broker at Sioux Falls, S. Dak., in arranging the transportation of: Passengers and their baggage, in round-trip tours, beginning and ending at points in South Dakota, and that part of Minnesota on and south of U.S. Highway 14, and extending to points in the United States, including Alaska, but excluding Hawaii. R. G. May, 412 West Ninth Street, Sioux Falls, S. Dak. 57104, attorney for applicants.

No. MC-FC-71077. By order of January 31, 1969, the Motor Carrier Board approved the transfer to Loyal F. Petersen & Gerald F. Petersen, a partnership, doing business as L. F. Petersen & Son, Osmond, Nebr., of the operating rights in certificate No. MC-86194 issued April 12, 1943, to L. F. Petersen, Osmond, Nebr., authorizing the transportation of general commodities, except those of unusual value, explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, between Osmond, Nebr., and Sioux City, Iowa, via U.S. Highway 20, serving intermediate and off-route points within 25 miles of Osmond; livestock and agricultural products, from points in Thompson, Plum Grove, Foster, and Logan Townships, Pierce County, Nebr., to Sioux City, Iowa; and feeds, repair parts for farm implements, farm machinery, hardware, building materials, lumber, and coal, from Sioux City, Iowa, to points in Thompson, Plum Grove, Foster, and Logan Townships, Pierce County, Nebr. Charles R. Lane, Registered Practitioner, 1109 W.O.W. Building, Omaha, Nebr. 68102, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-1880; Filed, Feb. 12, 1969; 8:52 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February

3 CFR

Page

EXECUTIVE ORDER:
11454 ... 1935

5 CFR

534 ... 1859

7 CFR

6 ... 2021
26 ... 1859
301 ... 1937
401 ... 1629, 1820
413 ... 1629
724 ... 1629–1631
725 ... 1761
728 ... 1762
775 ... 2022
907 ... 1632, 1762, 1889, 2107
908 ... 1762, 2046, 2107
910 ... 1585, 1889
912 ... 1890, 2046
913 ... 1585, 1890, 2047
929 ... 2108
965 ... 1763
967 ... 1763
1002 ... 1763, 1890
1079 ... 2108
1421 ... 1585
1443 ... 2047
PROPOSED RULES:
729 ... 1773
777 ... 2051
814 ... 2051
953 ... 1656
965 ... 2051
1046 ... 1602
1071 ... 2115
1079 ... 1603
1104 ... 2115
1106 ... 2115
1130 ... 2117

8 CFR

214 ... 1586
238 ... 1586

9 CFR

97 ... 1586
PROPOSED RULES:
71 ... 1602
330 ... 2134

12 CFR

226 ... 2002, 2017
265 ... 1633
545 ... 2019

13 CFR

108 ... 2108
119 ... 1945
120 ... 1945
123 ... 1820

14 CFR

39 ... 1633, 1634, 1769
71 ... 1586, 1587, 1721, 1890–1894, 2047, 2108, 2109
75 ... 1721, 1894, 1895

14 CFR—Continued

Page

93 ... 2110
95 ... 1769
97 ... 1813
151 ... 1634
165 ... 1634
225 ... 1819
288 ... 2110
PROPOSED RULES:
39 ... 1955, 1956, 2137
71 ... 1910, 2054

15 CFR

379 ... 1635
384 ... 1587, 1895
385 ... 1635

16 CFR

13 ... 1820–1824
15 ... 1648, 1824, 1825, 2111
PROPOSED RULES:
416 ... 1773

17 CFR

240 ... 1587
PROPOSED RULES:
270 ... 1910

18 CFR

141 ... 1895
260 ... 1895
PROPOSED RULES:
260 ... 1604

19 CFR

1 ... 1721
4 ... 1648
16 ... 2111
PROPOSED RULES:
8 ... 1951
10 ... 1951
18 ... 1951
25 ... 1951
33 ... 1951

21 CFR

8 ... 2111
45 ... 1588
120 ... 1588, 1589, 1946, 2021, 2112
121 ... 1589, 1771, 1826, 2021
PROPOSED RULES:
46 ... 1773

22 CFR

42 ... 1813

24 CFR

221 ... 1896

25 CFR

PROPOSED RULES:
221 ... 2115

26 CFR

1 ... 1896
31 ... 1826

26 CFR—Continued

Page

186 ... 1590
194 ... 1592
201 ... 1592, 1946
251 ... 1597
252 ... 1598

29 CFR

1604 ... 1648

31 CFR

250 ... 1897
315 ... 1600
316 ... 1600
342 ... 1600
365 ... 1600

32 CFR

65 ... 1649
888 ... 2048
891 ... 1946
907 ... 1949

33 CFR

110 ... 1826, 2112, 2113
117 ... 2112
205 ... 2048
PROPOSED RULES:
80 ... 1831
86 ... 1831
126 ... 1831
144 ... 1831

36 CFR

7 ... 1950

37 CFR

PROPOSED RULES:
1 ... 2136
6 ... 2052

38 CFR

13 ... 1601
36 ... 1601

39 CFR

139 ... 1722
157 ... 1722
171 ... 1722

41 CFR

5–12 ... 1897
101–43 ... 1905
101–44 ... 1907
101–45 ... 1907

42 CFR

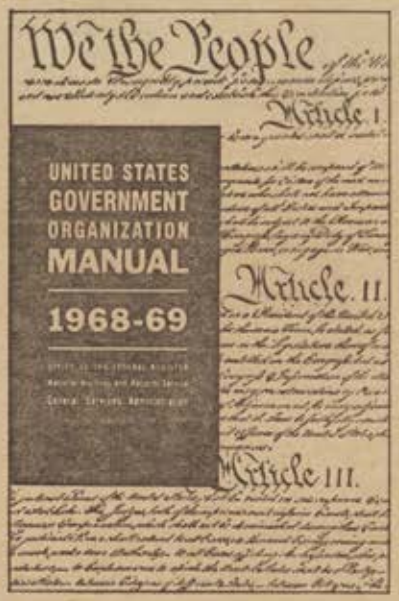
57 ... 1827
PROPOSED RULES:
81 ... 2053, 2054

45 CFR

1012 ... 1650

46 CFR

146 ... 2084
310 ... 1601
540 ... 1771



U.S. government organization manual

KNOW YOUR GOVERNMENT

1968 1969

Presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

This handbook is an indispensable reference tool for teachers, librarians, researchers, scholars, lawyers, and businessmen who need current official information about the U.S. Government.

The United States Government Organization Manual is the official guide to the functions of the Federal Government.

$2.00 per copy. Paperbound, with charts

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