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NOTICE

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Agencies in this issue—

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FEDERAL REGISTER

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List of CFR Parts Affected

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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.

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Extension of Time To Use Existing Supplies of Grade Mark

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading of shell eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), as set forth below:

Statement of considerations. In the amendments to the regulations governing the grading of shell eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), published in the FEDERAL REGISTER (32 F.R. 8229–8234), on June 8, 1967, a new form was established for the official grademark. Time was provided until July 1, 1969, to use existing supplies of the previous grademark on cartons or tape.

It now appears that additional time will be required to use up existing supplies only of cartons or tape bearing the previous grademark.

The amendment is as follows:

In § 56.36 the last sentence of subparagraph (b)(2) is amended to read: "Existing supplies of cartons or tape bearing the grademark may be used until January 1, 1971."

This action is necessary to provide time to use existing supplies of material bearing the grademark. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that rulemaking and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making it effective June 30, 1969.

Issued at Washington, D.C., this 2d day of July, 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-7180; Filed, July 8, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-74]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Batavia, N.Y. (34 F.R. 4648, 5935), transition area.

The special NDB (ADF) instrument approach procedure for Genesee County Airport, Batavia, N.Y., has been canceled. The 700-foot floor transition area extension based on a 192° true bearing from the airport is no longer required and can be revoked, but will require alteration of the Batavia, N.Y., transition area.

This alteration is a reduction in the controlled airspace and therefore less restrictive. Since it imposes no further burden on any person, 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 Batavia, N.Y., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Batavia, N.Y., transition area, and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°01'55'' N., 78°10'20'' W., of Genesee County Airport and within 2 miles each side of the Geneseo, N.Y., VORTAC 302° radial extending from the 5-mile radius area to 20 miles northwest of the Geneseo, N.Y., VORTAC.

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

Issued in Jamaica, N.Y., on June 20, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8018; Filed, July 8, 1969; 8:46 a.m.]

[Airspace Docket 68-EA-109]

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

Designation of Transition Area

On page 18628 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed regulation which would designate a 700-foot transition area over Brookhaven Airport, Shirley, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. The U.S. Air Force entered an objection on the grounds that the instrument approach procedures for Brookhaven Airport for which the transition area would offer protection would have an adverse effect on operations at Suffolk County Air Force Base. An informal conference was held on February 27, 1969, to review the objections. At the meeting, a proposal was considered for revising the holding pattern collateral to the approach procedures. However, the revision has been determined to be impractical as it would vitiate the approach procedure.

As set forth in the notice of proposed rule making, a new NDB (ADF) and VOR instrument approach procedure had been developed for Brookhaven Airport, Shirley, N.Y., predicated on the Peconic, N.Y., RBN and the Riverhead, N.Y., VORTAC. At the time of publication of the notice of proposed rule making it was alleged that a 700-foot Shirley, N.Y., transition area would be necessary to provide airspace protection for aircraft executing the arrival and departure procedures at Brookhaven Airport. In spite of the inconvenience to the U.S. Air Force, the public interest still requires the effectuation of the transition area in that it is determined that aircraft executing the arrival and departure procedures at Brookhaven Airport still require airspace protection with a 700-foot transition area. Further, a minor correction of 1° is required to refine the 246° bearing from the Peconic RBN to 245° for which notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., August 21, 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 June 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to desig-

nate a 700-foot Shirley, N.Y., transition area described as follows:

SHIRLEY, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N.Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 245° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N.Y., Calverton, N.Y., and Westhampton Beach, N.Y., transition areas.

[F.R. Doc. 69-8020; Filed, July 8, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 100—INVOLUNTARY ORDER TO ACTIVE DUTY OF READY RESERVISTS FOR UNSATISFACTORY PERFORMANCE OF OBLIGATION

The Deputy Secretary of Defense approved the following revision to Part 100:

Sec.
100.1 Purpose and applicability.
100.2 Definition.
100.3 Policy.

AUTHORITY: The provisions of this Part 100 issued under Section 301, 80 Stat. 379; 5 U.S.C. 301.

§ 100.1 Purpose and applicability.

This Part revises Department of Defense policy governing uniform compliance measures to be invoked by the Military Departments when certain "non-prior military service" Reserve personnel fail to participate in their units by: (a) Clarifying the term "unsatisfactory participation," (b) specifying the mobilization status of Reserve personnel held in the pool as a result of Government action, (c) amplifying national interest policy, (d) incorporating new policy with regard to certain reservists who change residences and nonlocatable personnel, and (e) adding minor technical changes.

§ 100.2 Definition.

"Selected Reserve" consists of Reserve personnel in pay groups A, B, C, and F (see Pt. 102 and Public Law 90-168). These reservists are either: (a) Members of units who—(1) regularly participate in drills and annual active duty for training, or (2) are on initial active duty for training for not less than 4 months; or (b) individuals who participate in regular drills and annual active duty for training on the same basis as members of Reserve units. Excluded from the Selected Reserve are: (1) Reservists who only participate in annual active duty for training but are not paid for attendance at regular drills (pay categories D and E), (2) reservists enrolled in ROTC training, (3) members of the individual Ready Reserve Pool, and (4) reservists on extended active duty.

§ 100.3 Policy.

(a) *Unsatisfactory participation.* (1) Personnel without prior military service who enlist or have enlisted in the Reserve components under the provisions of section 511 (a) and (d), title 10, United States Code; section 302, title 32, United States Code and section 262, Reserve Forces Act of 1955 (69 Stat. 598, 600) as amended by Public Law 88-110 (77 Stat. 134, 136) are expected to participate or perform satisfactorily in units of the Reserve components for the full period of their Ready Reserve obligation unless excepted in accordance with § 100.3(c) of this part.

(2) Failure to remain a member of a Selected Reserve unit (section 268(b), title 10, United States Code) or to meet prescribed standards for attendance at drills and active duty for training, training advancement and for performance of duty constitute unsatisfactory participation.

(b) *Unsatisfactory participation compliance measures.* (1) Those individuals who: (i) Fail, or are unable, to participate satisfactorily in units of the Selected Reserve, (ii) have not fulfilled their statutory Reserve obligation, and (iii) have not served on active duty or active duty for training for a total of 24 months will be ordered to active duty under the provisions of section 673a, title 10, United States Code and Executive Order 11366.

(2) A member ordered to active duty under these provisions may be required to serve on active duty until his total service on active duty or active duty for training equals 24 months.

(3) If the enlistment or period of military service of a member of the Selected Reserve ordered to active duty under the provisions of section 673a, title 10, United States Code and Executive Order 11366, August 4, 1967, would expire before the required period of active duty prescribed has been served, the enlistment or period of military service may be extended until that service on active duty has been completed in accordance with the provisions of section 673a, title 10, United States Code and Executive Order 11366.

(4) Orders may be mailed to a reservist when he is in an unsatisfactory participation status, if the reservist is not locatable by the usual means of telephone, personal visit, or when attending scheduled drills.

(i) Notification shall be fully and sufficiently accomplished through the mailing of the orders addressed to the reservist concerned at the mailing address which records of the activity mailing the orders indicate as the most recent one furnished by that individual as an address at or from which official mail will be received by or forwarded to him.

(ii) Absence of indication of delivery, or return as undeliverable, of orders addressed as above is alike immaterial as respects its efficacy as notice to or notification of the reservist concerned.

(iii) It is the responsibility of each member of a Reserve component to assure that the records pertaining to him in his organization accurately and currently reflect a mailing address at which he can be reached.

(c) *Exceptions.* As exceptions to this policy, individuals who are unable to participate in Reserve component units may be considered for discharge, retention, or assignment to the Individual Ready Reserve Pool as follows:

(1) Individuals eligible for discharge from the Reserve components for dependency, hardship, or other reasons authorized by applicable departmental regulations, will, upon application, be discharged.

(2) Individuals unable to participate in a unit by reason of action taken by the Military Departments (e.g., unit inactivation) rather than because of their own actions, will be retained in the Individual Ready Reserve Pool until they rejoin or are assigned to a Reserve unit or are discharged upon completion of their obligation. However, individuals excepted by this paragraph are still subject to involuntary order to active duty in the event: (i) of any mobilization if they qualify under the statutory provisions of the involuntary order to active duty; (ii) they fail to satisfactorily participate in any annual active duty for training periods (15 to 30 days each year) when so ordered.

(3) Individuals who provide substantial evidence that their occupation is included on the Department of Labor List of Critical Occupations for Screening the Ready Reserve[1] or meet the criteria for inclusion on such list, in order to maintain the national health, safety or interest, may, upon application, be discharged unless it is determined by the Military Department concerned that there is an overriding military need for the reservist's specialty.

(4) The Secretary of the Military Department concerned may determine the minimum period of active duty; e.g., 12 months, 9 months, below which these individuals cannot be effectively employed in an active duty status. In this instance, individuals will be discharged under the provisions of appropriate departmental regulations and reported to the Selective Service System under the provisions of section 6(c)(2)(D) of the Military Selective Service Act of 1967 and DoD Directive 1115.3, Furnishing the Selective Service System with Information Needed for Determining Induction Quotas and Classifying Registrants (M), April 17, 1967.[2]

(5) The provisions of Part 103 of this subchapter apply to individuals who incur a legitimate temporary religious missionary obligation during their obligated service.

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[1] A list of critical civilian occupations approved for use in screening the Ready Reserve can be obtained from the Bureau of Employment Security, Department of Labor, Washington, D.C. 20210.

[2] Filed as part of original. Copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

(d) *Change of residence.* (1) Within the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) Individuals who lose their unit positions because of a voluntary change of residence will be transferred to another paid drill unit within their respective Department whenever practicable or they will be given a period of 60 days after departing from their original unit to locate and join another Reserve component unit where they will fill an existing vacancy or be assigned as overstrength pursuant to (ii) below.

(ii) If individuals locate position vacancies which require different specialties than the ones they now possess, the Secretary of the Military Department concerned may provide for the retraining of these individuals (with their consent) by ordering them to active duty for training in a new specialty.

(iii) The Military Departments are directed to accept in their Reserve units obligated reservists of their respective Department who effect a voluntary change of residence regardless of vacancies—providing they meet the following determinations:

(*a*) the move is essential because of business or other cogent reasons;

(*b*) the losing unit certifies in writing that the reservist's performance of service has been satisfactory;

(*c*) the reservist's specialty is usable in the unit or that he can be retained by on-the-job training or is willing to be retrained as in (ii) above;

(*d*) transfers between Reserve components are authorized under the provisions of Part 123 of this subchapter.

(iv) In connection with (iii) above the Military Departments are authorized an enlisted overstrength of 3 percent above authorized paid drill strength for reservists and to compensate for administrative delays encountered during recruiting and separation processing.

(*a*) This does not constitute authority for an increase in paid drill strength and should tend to bring actual drill pay attendance closer to 100 percent of authorized paid drill strength.

(*b*) The Military Departments shall manage this program closely to assure that overstrength enlistment is not automatic; e.g., if a reservist moves to a locality where two or more Reserve units exist within a 50-mile radius, he should not be assigned to the nearest unit if a more distant unit has a vacancy or a lesser degree of overstrength.

(v) If these individuals fail to locate another position vacancy, they will be ordered to active duty or discharged as provided in this part.

(2) Outside the United States, its possessions, and the Commonwealth of Puerto Rico:

(i) Individuals, regardless of physical location, are subject to the provisions listed under § 100.3(d)(1).

(ii) Individuals will be directed to notify their unit if they plan to leave the areas listed in § 100.3(d)(1) and their unit will properly counsel them as to consequences.

(e) *Other compliance measures*—(1) *45-day active duty tours.* The policy of either ordering individuals to active duty or discharging them will be followed, in lieu of the 45-day tour of active duty, for personnel without prior military service. However, the 45-day tour may continue to be used for those obligors who have completed 24 months of active service.

(2) *Priority induction.* Priority induction under the provisions of Section 6(c)(2)(D), of the Military Selective Service Act of 1967 usually will be invoked only in cases of nonlocatable members.

(f) *Delay from involuntary order to active duty.* Individuals who become subject to being ordered to active duty under this policy may be delayed, as prescribed by the Secretary of the Military Department concerned, from active duty for the purposes of taking State or Federal examinations, seasonal employment, and for similar cogent reasons. Upon termination of such delays, reservists will be ordered to active duty. However, those members ordered to active duty for reasons other than willful unsatisfactory participation who join a unit during the period of delay will not be ordered to active duty.

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

[F.R. Doc. 69-7998; Filed, July 8, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Prescription-Drug Advertisements: Confirmation of Effective Date of Order Acting on Objections

In the matter of amending the regulation regarding prescription-drug advertisement requirements (21 CFR 1.105):

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and 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 May 16, 1969 (34 F.R. 7802). Accordingly, the amendments promulgated thereby became effective June 16, 1969.

Dated: June 30, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8006; Filed, July 8, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

CLARIFICATION OF CONTRACTUAL DEFAULT CLAUSES

This amendment clarifies the various "default" clauses (and a related Excusable Delays clause), prescribed in Subpart 1-8.7 of the Federal Procurement Regulations, by defining the scope of the terms "subcontractor," "subcontractors," and "subcontractors or suppliers" as these terms are used in such clauses with respect to delay in contract performance. The clarifying definitions specify that the cited terms include a subcontractor or supplier at any tier and thereby confirm the extent of coverage which was intended when the clauses were originally prescribed. In addition, the amendment requires the appropriate modification of standard forms which include certain of the clauses involved.

PART 1-8—TERMINATION OF CONTRACTS

Subpart 1-8.7—Clauses

1. Section 1-8.707 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1-8.707 Default clause for fixed-price supply contracts.

* * * * *

DEFAULT

* * * * *

(g) As used in paragarph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

2. Section 1-8.708 is amended by revising the contract clause prescribed therein as follows:

§ 1-8.708 Excusable delays clause for cost-reimbursement type contracts.

* * * * *

EXCUSABLE DELAYS

Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its soverign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (a) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (b) the Contracting Officer shall

have ordered the Contractor in writing to procure such supplies or services from such other sources, and (c) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled Termination for Default or for Convenience of the Government. (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

3. Section 1–8.709–1 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1–8.709–1 Long-form clause.

* * * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

* * * * *

(g) As used in paragraph (d)(1) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

* * * * *

4. Section 1–8.709–2 is amended by adding paragraph (c) to the contract clause prescribed therein as follows:

§ 1–8.709–2 Short-form clause.

* * * * *

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

* * * * *

(c) As used in paragraph (b) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

5. Section 1–8.710 is amended by adding paragraph (g) to the contract clause prescribed therein as follows:

§ 1–8.710 Default clause for fixed-price research and development contracts.

* * * * *

DEFAULT

* * * * *

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101(c) is revised as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 edition). Pending the publication of a new edition of the form, the clause prescribed in § 1–1.805–3(a) shall be substituted for the present provision of Article 22, Utilization of Concerns in Labor Surplus Areas and the clause prescribed in § 1–12.803–2 shall be substituted for the present provision of Article 18, Equal Opportunity. Agencies shall further modify this form by deleting paragraphs (a) and (b) of Article 10, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10. In addition, the clause prescribed in § 1–8.707 shall be substituted for the present provision of Article 11, Default.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Sections 1–16.401(a) and 1–16.401(h) are revised as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration, or Repair) (Standard Form 19, December 1965 edition). Pending revision of Standard Form 19, agencies shall modify this form by deleting paragraphs (a) and (b) of Clause 12, Examination of Records, and by substituting therefor the clause prescribed in § 1–7.101–10. In addition, agencies shall further modify this form by substituting the clause prescribed in § 1–8.709–2 for the present provision of Clause 2, Termination for Default—Damages for Delay—Time Extensions.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23A, June 1964 edition). Pending revision of Standard Form 23A, agencies shall modify this form by deleting Clause 3, "Changes," Clause 4, "Changed Conditions," Clause 5, "Termination for Default—Damages for Delay—Time Extensions," Clause 19, "Buy American," and Clause 21, "Equal Opportunity," and by substituting in lieu thereof the clauses prescribed in §§ 1–7.601–2, 1–7.601–3, 1–8.709–1, 1–18.605, and 1–12.803–2, respectively, and shall add the "Suspension of Work" clause prescribed in § 1–7.601–4.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–8005; Filed, July 8, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69–734]

PART 73—RADIO BROADCAST SERVICES

Requirements for the Determination of the Level of Hum and Extraneous Noise in Standard Broadcast Transmitters

1. Section 73.40 of the rules sets forth the design, construction, and safety of life requirements for standard broadcast transmitters. Paragraph (a)(6) of this section requires a showing that:

The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 db below 100 percent modulation for the frequency band 30 to 20,000 c/s.

2. Section 73.47 outlines the equipment performance measurements required to be made by standard broadcast station licensees at periodic intervals. Paragraph (a)(4) requires the measurement of:

Carrier hum and extraneous noise generated within the equipment, and measured as the level below 100 percent modulation throughout the audio spectrum or by bands.

3. The data obtained in complying with the requirements of § 73.47(a)(4) is for the purpose of demonstrating that the transmitter continues to perform in accordance with § 73.40(a)(6).

4. The distortion and noise meter used in the above determinations is fed a sample of the radio frequency output of the transmitter through a wide band demodulator, which extracts the audio modulation from the carrier. A properly calibrated meter can accurately establish differences in the levels of the components modulating the carrier, in this instance, the difference between the integrated level of hum and extraneous noise, and of a reference tone producing 100 percent modulation of the carrier. The level of this tone is usualy set by obeerving the station modulation monitor.

5. The rules cited above do not specify the frequency of the tone used to set the reference level, and this fact appears to have been the source of some misunderstanding and hardship for station operators and consulting engineers performing measurements pursuant to § 73.47. In particular, it seems to have been the practice of some engineers to establish the reference level for the hum and extraneous noise measurement at each of a number of discrete frequencies over the audio band.

6. Since the carrier remains at a fixed-level throughout the measurement procedure, the amplitude of the envelope with 100 percent single tone modulation is fixed, and the demodulated signal should have the same value, regardless of the modulating frequency. Accordingly, it should be necessary to establish the reference level with a tone at only one audio frequency for the purpose of the noise and hum determination. In instances where some engineers may have found that an indicated 100 percent modulation at one audiofrequency provides a different level of indication on the noise and distortion meter than at another, the discrepancy could result from an insufficiently flat frequency characteristic of the monitor or demodulator over the audio range involved. Thus, a type-approved modulation monitor is required to have a substantially flat frequency characteristic only over the range 30 the 10,000 c/s, and may be substantially in error if it is relied on to indicate the level of 100 percent modulation for a frequency well outside of this range. In such an instance, the proper procedure is to establish the reference within the frequency range where the modulation

monitor can be expected to give accurate indications.

7. The particular frequency at which this is done is not important. However, to make the above rules more specific, and to avoid the misunderstandings which appear to have occurred, we are modifying the rules to require that the reference level be established at 400 c/s, a midrange frequency often used as a reference in audiofrequency measurements.

8. We also are taking this opportunity to correct an inconsistency which appears in subparagraphs (1) and (2) of paragraph (a) of § 73.47 viz.: Subparagraph (1) requires that the audiofrequency response be measured over the range 30–7,500 c/s, whereas the lowest frequency at which audiofrequency harmonic content is to be measured, pursuant to subparagraph (2) is 50 c/s. There is no good reason for specifying a different lower end frequency for one series of measurements than for the other, and we are amending subparagraph (1) to specify a range of 50–7,500 c/s.

9. The rule amendments which we adopt are for the purpose of clarifying the pertinent rules, and impose no new substantive requirement. Accordingly, compliance with the notice and effective date provisions of the Administrative Procedures Act (5 U.S.C. § 553) are unnecessary and would serve no useful purpose.

10. Authority for the adoption of these amendments is contained in sections 4(i), 303(r), and 319(c) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective July 11, 1969, Part 73 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 319, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 319)

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.40, paragraph (a)(6) is amended to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) *Design* * * *

(6) The carrier hum and extraneous noise level, unweighted r.s.s. (exclusive of microphone and studio noises) over the frequency band 30 to 20,000 c/s is at least 45 db below the level of a sinusoidal tone of a 400 c/s, producing 100 percent modulation of the carrier.

* * * * *

2. In § 73.47, paragraph (a)(1) and (a)(4) are amended to read as follows:

§ 73.47 Equipment performance measurements.

(a) * * *

(1) Data and curves showing overall audiofrequency response from 50 to 7,500 cycles per second (c/s) for approximately 25, 50, 85, and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with db above and below a reference frequency of 1,000 c/s as ordinate and audiofrequency as abscissa.

* * * * *

(4) The carrier hum and extraneous noise level generated within the equipment, and measured throughout the audio spectrum, or by bands, referred to the level for 100 percent modulation of the carrier by a sinusoidal tone with a frequency of 400 c/s.

* * * * *

[F.R. Doc. 69-8053; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 18430, RM-1362; FCC 69-733]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Annapolis, Md., and Seaford, Del.

1. On January 23, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-66) inviting comments on a proposal to amend the Table of Television Assignments in § 73.606(b) of the Commission's rules by assigning channel *22 to Annapolis, Md., reserved for noncommercial educational use. This assignment would be accomplished by deleting *22 as a reserved channel at Seaford, Del., and substituting channel *66 there. The dates designated for the filing of comments and reply comments were March 3, 1969, and March 13, 1969, respectively.

2. The petition which prompted this proceeding, filed by the Maryland Educational-Cultural Broadcasting Commission, proposed to assign channel *22 to Annapolis by deleting it at Seaford, replacing it there with channel *38. However, the notice proposed instead to assign channel *66 as the replacement at Seaford, because of the much greater flexibility this assignment at Seaford would have with respect to location of a transmitter site (particularly in the direction of Atlantic City). The only parties commenting in response to the notice, Delaware Educational Television Board (Delaware Board) and Advisory Council on Educational Television of the Commonwealth of Virginia (Virginia Council), urged that Channel 66 not be assigned to Seaford but that channel 38 be used there instead for the educational assignment, as proposed in the original petition. Delaware Board states that the limitation on site location if channel 38 is assigned presents no problem, since the purpose of the assignment is to serve southern Delaware; and that use of channel 66 might present problems because of impact to and from the operation of a channel 73 translator at nearby Milford, Del., rebroadcasting WHYY, the educational station to the north.

3. Virginia Council likewise urges that channel 38 be assigned to Seaford instead of 66. It states that the proposed assignment of channel 66 to Seaford would preclude the use of the same channel in northern Virginia, that the Council has planned for and sought to bring statewide educational television to northern Virginia, and that there appears to be no channel below channel 70 assignable in northern Virginia except channel 66. It further states that it requested in RM-494, filed September 30, 1963, a channel for Arlington, Va., among others. Although many of its requests in other areas were provided for, northern Virginia was not, and the Council desires a channel for educational use in that area. It is also stated that although channel 66 would not meet the mileage separations in Arlington, it would in Clifton, Va., which is approximately 20 miles from the center of Washington, D.C.; that although there are two educational channels assigned to Washington, D.C., this does not provide a channel that can be used in a statewide educational system, a station that would be programed for the Virginia schools; and that unless channel 66 were allocated in the Clifton area it appears that there would be little likelihood of obtaining an educational television station in northern Virginia. It states also that if the channel is assigned to this area it would promptly activate it.

4. As to the making of the Annapolis assignment as requested, it appears that this is clearly warranted and in the public interest, in order to provide statewide coverage and provide a channel for the important population and educational center of Annapolis, the State capital. Accordingly, the Table of Television Assignments (§ 73.606(b) of the rules) is amended to make this assignment.

5. As to the most suitable replacement channel at Seaford, we are of the view that the preferable course is that urged by all of the commenting parties and the original petitioner, use of channel *38 for that purpose. Aside from obviating the problem of impact to and from the channel 73 ETV translator at nearby Milford, we find merit in the suggestion that if another replacement at Seaford can be provided it is desirable to preserve channel 66 for possible use in northern Virginia. As Virginia Council states, it appears that there is little likelihood of finding any other channel below 70 for use in this area. There are problems connected with assigning channel *66 on a reserve basis—the existence of two reserve channels already at Washington, D.C., and the fact that Virginia Council's use proposed here and previously is largely for inschool programing for which ITFS is available and perhaps more suitable—but we believe assignment in this area should remain as a possibility. Parties interested in educational or other use of this channel in the very limited area of northern Virginia where it can be assigned consistent with mileage separation requirements may seek it by petition. Accordingly, we conclude that the public interest would be served by assigning channel *38 at Seaford, Del.

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

6. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act: *It is ordered*, That, effective August 11, 1969, § 73.606 (b) of the Commission's rules is amended by addition of the following entry under Maryland:

City	*Channel No.*
Annapolis, Md	*22

and changing the entry under Delaware for Seaford to read as follows:

Seaford, Del	*38

7. *It is further ordered*, That this proceeding (Docket 18430) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8052; Filed, July 8, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. No. 1-29]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Additional Delegation by Secretary of Transportation

The purpose of this amendment is to expressly state the delegation of authority to the Federal Aviation Administrator of the powers and duties relating to those matters, including those relating to aviation safety, that were transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)). It also corrects a typographical error in § 1.4(c)(7).

Since this amendment involves delegations of authority and relates to the internal management of the Department, notice and public procedure are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective July 1, 1969, subparagraphs (b)(1) and (2) and (c)(7) of § 1.4 are amended to read as follows:

§ 1.4 Delegations of powers and duties.

* * * * *

(b) * * *

(1) Carry out the powers and duties transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.

(2) Carry out title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1531 et seq.), relating to War Risk Insurance.

* * * * *

(c) * * *

(7) Carry out section 204(a), (1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304(a)(1), (2), (3), (3a), and (5)), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers.

(Sec. 9 of the Department of Transportation Act; 49 U.S.C. 1657)

Issued in Washington, D.C., on July 3, 1969.

JAMES M. BEGGS,
Acting Secretary of Transportation.

[F.R. Doc. 69-8040; Filed, July 8, 1969; 8:48 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 367—CERTIFICATION

Regulations for the certification labeling of motor vehicles and motor vehicle equipment, and the provision of identifying information on the label, were issued under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). In a notice published on April 29, 1969 (34 F.R. 7031), it was proposed to make certain amendments to those regulations. This amendment to the regulations is based on that proposal.

The notice proposed that §§ 367.7 and 367.8, relating to manufacturers and distributors of motor vehicle equipment, be revoked, pending further study of the distribution patterns and the needs of the motor vehicle equipment industry. No adverse comments to that proposal were received. Those two sections are accordingly being revoked with a view to the future issuance of regulations relating to the particular industries whose products are covered by equipment standards. Manufacturers and distributors of motor vehicle equipment must, however, continue to meet the certification requirements of section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) as amplified by notice in the FEDERAL REGISTER of November 4, 1967 (32 F.R. 15444).

Clarifying language was proposed by the notice adding the phrase "(except chassis-cabs)" to § 367.4(a), and substituting the phrase "door edge that meets the door latch post" in § 367.4(c). A sentence was proposed for addition to § 367.4(g)(1), requiring the name of a person, other than the manufacturer, who affixes a label on an imported vehicle to be shown on the label. No adverse comments were received on these proposals, and they are incorporated into the rule as issued.

It was proposed to delete the reference to the use of tools in § 367.4(b), so that the subsection would read: "The label shall be permanently affixed in such a manner that it cannot be removed without destroying it." Some comments have indicated uncertainty as to the types of label that are permitted by this section. It is intended that the label be affixed so as not to be removable without damage. The purpose is to make sure that a label cannot be easily and undetectably transferred to another vehicle, and to provide that, within this requirement, manufacturers would have discretion in choice of material and adhesive method. In order to clarify the requirement, the words "or defacing" are inserted after "destroying". Several inquiries were directed specifically to the adequacy of riveted labels. This amendment permits riveting since it has been determined to be a generally satisfactory method of affixing the label.

One comment noted that, particularly in some foreign countries, assembly of a vehicle may be performed by a subsidiary corporation controlled by a parent that is the generally known "nameplate" company. It was suggested that the name of the parent corporation should be allowable on the label. The suggestion has been determined to have merit, in that no important purpose is served by requiring the name of a lesser-known subsidiary corporation on the label, and language permitting the use of a parent corporation's name is added to § 367.4(g)(1).

In order to allow exporting and importing manufacturers to indicate the country to which the word "Federal" refers, a sentence is added to § 367.4(g)(3) permitting the insertion of "U.S." or "U.S.A." before the word "Federal" in the conformity statement.

One petitioner suggested permitting the insertion of the model year before the word "vehicle" in the conformity statement, so that it would read "This 1970 vehicle conforms * * *", in the case of a vehicle manufactured in late 1969. The requirement of stating the month and year of manufacture on the label is intended to eliminate confusion caused by model years that do not match calendar years, and that may mislead consumers as to the standards that are applicable. The manufacturer or dealer is free to indicate the model year of the vehicle by other labels, or any means that do not involve the certification label, and therefore it is not necessary to allow insertion of this possibly confusing additional date.

Objections were made to the requirement of color contrast on the label, and to the requirement of stating the actual manufacturer's name rather than that of a distributor under a "private brand" label. Similar comments were made and rejected at previous stages of rulemaking.

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

Both of these requirements are important aids to enforcement where rapid inspection of large numbers of vehicles must be made.

One comment suggested that it would be misleading for a manufacturer to certify that the vehicle "conforms" to applicable standards, since the manufacturer has no control over the vehicle after it leaves his hands, and proposed that the certification be limited to the statement that the vehicle conformed at the time it was delivered to a distributor or dealer. The requirement for certification is not, however, limited to manufacturers, but extends to all distributors and importers as well. These parties satisfy this requirement by allowing the certification label to remain affixed to the vehicle. A distributor who alters a vehicle so that it does not conform to the manufacturer's certification, must certify that the vehicle as altered meets applicable standards or he is subject to penalties under the Act. A dealer who sells a vehicle after altering it so that it does not conform, would be subject to penalties under the Act, and prior parties would not be held responsible for the dealer's alterations. Any alterations that came about after a vehicle had been sold to a user would not be relevant to the question of conformity to applicable standards, as provided by section 108 (b)(1) of the Act.

One comment raised the question of who should certify a vehicle such as a boat trailer that is shipped complete but in unassembled form by its fabricator, such that it can be easily assembled without special equipment. The fabricator obviously has the technical knowledge on which certification should be based, but the subsequent assembler may be viewed as the "manufacturer" of the vehicle within the meaning of the Act. This question is part of the larger area of kits for the assembly of new vehicles or the renovation or alteration of existing ones. It is expected that separate regulations will be issued concerning standards applicable to such assemblers and their certification. As an interim measure, it has been determined that the purposes of the Act would be served by allowing the fabricator the option of treating itself as the certifying manufacturer under section 114 of the Act and affixing the label in a manner such that it will conform when the vehicle is assembled. Language to that effect is added to § 367.4(g)(1).

In § 367.4(e), describing the label location for motorcycles, the words "except the steering system" are added to the final phrase, "in a location such that it is easily readable without moving any part of the vehicle," in order to allow a location on the steering post that may be obscured when the steering system is turned to a certain position.

Effective date. Since these amendments do not impose substantial additional burdens relative to the regulations as previously issued, this part as amended shall continue to be effective for all motor vehicles manufactured on or after September 1, 1969.

In consideration of the foregoing, 49 CFR Part 367, Certification, is amended to read as set forth below. This amendment is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR § 1.4(c).

Issued on July 7, 1969.

F. C. TURNER,
Federal Highway Administrator.

Sec.
367.1 Purpose and scope.
367.2 Application.
367.3 Definitions.
367.4 Requirements for manufacturers of motor vehicles.
367.5 Requirements for manufacturers of chassis-cabs.
367.6 Requirements for distributors of motor vehicles.

AUTHORITY: The provisions of this Part 367 issued under secs. 112, 114, and 119 of National Traffic and Motor Vehicle Safety Act; 15 U.S.C. 1401, 1403, 1407, and the delegation of authority from Secretary of Transportation to Federal Highway Administrator, 49 CFR 1.4(c).

§ 367.1 Purpose and scope.

The purpose of this part is to specify the content and location of, and other requirements for, the label or tag to be affixed to motor vehicles required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) ("the Act") and to provide the consumer with information to assist him in determining which of the Federal Motor Vehicle Safety Standards (Part 371 of this chapter) ("Standards") are applicable to the vehicle.

§ 367.2 Application.

(a) This part applies to manufacturers and distributors of motor vehicles to which one or more standards are applicable, who deliver these vehicles to distributors or dealers for resale.

(b) In the case of imported motor vehicles, the requirement of affixing a label or tag applies to importers of vehicles, admitted to the United States under § 12.80(b)(2) of the joint regulations for importation of motor vehicles and equipment (19 CFR 12.80(b)(2)) to which the required labor or tag is not affixed.

§ 367.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein.

§ 367.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles (except chassis-cabs) shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall, unless riveted, be permanently affixed in such a manner that it cannot be removed without destroying or defacing it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If none of these locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Director, National Highway Safety Bureau, Washington, D.C. 20591. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle except the steering system.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than three thirty-second of an inch high, in the order shown:

(1) Name of manufacturer: Except as provided in (i) and (ii) below, the full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured By" or "Mfd By". In the case of imported vehicles, where the label required by this section is affixed by a person other than the final assembler of the vehicle, the corporate or individual name of the person affixing the label shall also be placed on the label in the manner described in this paragraph, directly below the name of the final assembler.

(i) If a vehicle is assembled by a corporation that is controlled by another corporation that assumes responsibility for conformity with the standards, the name of the controlling corporation may be used.

(ii) If a vehicle is fabricated and delivered in complete but unassembled form, such that it is designed to be assembled without special machinery or tools, the fabricator of the vehicle may affix the label and name itself as the manufacturer for the purposes of this section.

(2) Month and year of manufacture: This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 1970", or expresed in numerals, as "6/70".

(3) The statement: THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE. The expression "U.S." or "U.S.A." may be inserted before the word "FEDERAL".

(4) Vehicle identification number.

(5) For multipurpose passenger vehicles, the words, "TYPE MULTIPURPOSE PASSENGER VEHICLE". No type designation is required of other types of vehicle.

§ 367.5 Requirements for manufacturers of chassis-cabs.

Manufacturers of chassis-cabs shall affix securely to the windshield or side window a label containing the information specified in § 371.13 "Labeling of chassis-cabs," of this chapter.

§ 367.6 Requirements for distributors of motor vehicles.

A distributor of a motor vehicle who does not alter the vehicle in a manner that affects compliance with applicable standards may satisfy the certification requirements of the Act by allowing a manufacturer's label that conforms to the requirements of this part to remain affixed to the vehicle. A distributor of a vehicle who alters a vehicle in a manner that affects compliance with applicable standards shall furnish to a dealer or other distributor to whom he delivers the vehicle a separate certification. The certification shall be on a label as described in § 367.4, except that its contents shall be in the following form:

THIS VEHICLE WAS ALTERED BY [name of distributor] IN [month and year in which alterations were completed] AND AS ALTERED IT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF ORIGINAL MANUFACTURE.

[F.R. Doc. 69-8136; Filed, July 8, 1969; 8:50 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1031]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of July 1969.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the areas served by the Southern Pacific Co. and the Union Pacific Railroad Co., and that shippers served by the Southern Pacific Co. and the Union Pacific Railroad Co. are being deprived of such cars required for loading highly perishable products, creating a great economic loss; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such mechanical refrigerator cars owned by the Pacific Fruit Express Co., a wholly owned subsidiary of the Southern Pacific Co. and the Union Pacific Railroad Co., are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1031 Service Order No. 1031.

(a) *Distribution of refrigerator cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in paragraphs (2) and (3) of this section, all mechanical refrigerator cars owned by the Pacific Fruit Express Co., which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having mechanical designations RP or RPL, and numbered in series 100,000 through 458,100.

(2) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a station other than a junction with the Southern Pacific Co. or Union Pacific Railroad Co., may be loaded with freight requiring protection from heat or cold if destined to any station on or routed via the Southern Pacific Co. or the Union Pacific Railroad Co.

(3) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a junction with the Southern Pacific Co. or with the Union Pacific Railroad Co. must be delivered at that junction to either the Southern Pacific Co. or the Union Pacific Railroad Co., either empty or loaded with freight requiring protection from heat or cold.

(4) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, must not be backhauled empty, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 7, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., September 13, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8043; Filed, July 8, 1969; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Community and Field Services, two positions of Special Assistant to the Deputy Assistant Secretary for Community and Field Services, and four positions of Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs (one a general assistant, and one each for Student Affairs, Youth Development, and Juvenile Delinquency) are excepted under Schedule C. The section is also amended to show that the positions of two Schedule C Confidential Assistants to the Assistant Secretary for Community and Field Services are now titled Assistant and Special Assistant to the Assistant Secretary, respectively, and that the position of Confidential Assistant on Juvenile Delinquency to the Assistant Secretary has been abolished. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are amended and subparagraphs (5), (6), (7), and (8) are added under paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(2) One Assistant and two Special Assistants to the Assistant Secretary for Community and Field Services.

(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.

* * * * *

(5) Two Special Assistants to the Deputy Assistant Secretary for Community and Field Services.

(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.

(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.

(8) One Special Assistant for Youth Development to the Deputy Assistant Secretary for Youth and Student Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-8152; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two positions of Special Assistant to the Assistant Secretary for Legislation now report to the Deputy Assistant Secretary for Legislation and that the following additional positions are excepted under Schedule C: one Assistant to the Assistant Secretary for Legislation; one Deputy Assistant Secretary for Legislation (Education) and his Special Assistant; one Deputy Assistant Secretary for Legislation (Welfare) and his Special Assistant; and three Special Assistants to the Assistant Secretary for Congressional Liaison. The section is also amended to show that the following positions are no longer excepted under Schedule C: one Congressional Liaison Officer, one Assistant to the Congressional Liaison Officer, and one Deputy Assistant Secretary for Legislative Services. Effective on publication in the FEDERAL REGISTER, subparagraphs (8) and (9) of paragraph (a) are revoked, subparagraph (1) is amended, subparagraph (6) is revoked, and subparagraphs (8) through (14) are added to paragraph (f) of §213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(8) [Revoked].

(9) [Revoked].

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.

* * * * *

(6) [Revoked].

* * * * *

(8) Two Special Assistants to the Deputy Assistant Secretary for Legislation.

(9) One Assistant to the Assistant Secretary.

(10) One Deputy Assistant Secretary for Legislation (Education).

(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).

(12) One Deputy Assistant Secretary for Legislation (Welfare).

(13) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

(14) Three Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-8153; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the following positions under the Assistant Secretary for Planning and Evaluation are excepted under Schedule C: One Special Assistant for Special Initiatives, two Special Assistants, one Assistant, one Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs, one Special Assistant to the Deputy Assistant Secretary for Planning for Education, and one Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) through (8) are added to paragraph (k) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(k) *Office of the Assistant Secretary for Planning and Evaluation.* * * *

(3) One Special Assistant to the Assistant Secretary for Special Initiatives.

(4) Two Special Assistants to the Assistant Secretary.

(5) One Assistant to the Assistant Secretary.

(6) One Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs.

(7) One Special Assistant to the Deputy Assistant Secretary for Planning for Education.

(8) One Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance.

* * * * *

(5 U.S.C. 3001, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-8154; Filed, July 8, 1969; 10:02 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Assistant to the General Counsel, two positions of Special Assistant to the General Counsel, and one position of Special Assistant to the Deputy General Counsel are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2), (3), and (4) are added to paragraph (p) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(p) *Office of the General Counsel.* * * *

(2) One Assistant to the General Counsel.

(3) Two Special Assistants to the General Counsel.

(4) One Special Assistant to the Deputy General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-8155; Filed, July 8, 1969; 10:02 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Dockets Nos. AO-293-A23, AO-160-A43, AO-312-A20]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and 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 a public hearing to be held at the Holiday Inn—Downtown, Lombard and Howard Streets, Baltimore, Md., beginning at 10:30 a.m., on August 4, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

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

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

(a) Merger of two or more of the above marketing areas, in any combination thereof, including also the redefinition of marketing area for any separate or combined order to encompass part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) The adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order or any combination of such orders, including a review of the appropriate pricing and pooling provisions of the orders whether to be separate or in any combination.

The issue of merging the marketing areas also raises the question of appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

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

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 1. Combine the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C. marketing areas with the additional unregulated territory as proposed, and rename the expanded area as the "Middle Atlantic marketing area."

The complete regulatory terms for the combined and expanded area are proposed as follows:

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION OF MILK

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF UNIFORM PRICE

PAYMENTS

EFFECTIVE TIME, SUSPENSION OR TERMINATION

MISCELLANEOUS PROVISIONS

GENERAL DEFINITIONS

§ 1004.1 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.).

§ 1004.2 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.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1004.4 Person.

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

§ 1004.5 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 of or marketing milk or its products for its members.

§ 1004.6 Middle Atlantic marketing area.

"Middle Atlantic marketing area" called the "marketing area" in this part

means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cutoff of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the Lower Merion township line; thence along the northern boundary of Lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of the territory situated within the State of Delaware, all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted), all of the territory situated within the the State of Maryland, except Allegany, Garrett, and Washington counties, but including Fort Ritchie, all of the territory situated within the District of Columbia, and all the territory situated within the counties of Arlington, Fairfax, Prince William, and Loudoun and the city of Alexandria, all in the Commonwealth of Virginia; together with all piers, docks, and wharves connected therewith, and all craft moored thereat, and including territory within such boundaries which is occupied by Government (municipal, State, Federal, or international) reservations, installations, institutions, or other establishments.

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged. However, a separate establishment without storage facilities, used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

(b) "Distributing plant" means a plant from which fluid milk products are disposed of during the month in the marketing area as route disposition.

(c) "Supply plant" means a plant from which fluid milk products are shipped during the month to a distributing plant.

§ 1004.8 Pool plant.

"Pool plant" means a plant (except an other order plant, a producer-handler plant, a plant specified in paragraph (f) of this section, or the plant of a handler pursuant to § 1004.10(e)) specified in paragraph (a) through (e) of this section.

(a) A distributing plant from which during any of the months of September through February, a volume equal to not less than 60 percent and during any of the months of March through August not less than 55 percent, of its receipts described in either subparagraph (1) or (2) of this paragraph, is disposed of as Class I milk in the form of fluid milk products and the volume disposed of as route disposition in the form of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts.

(1) The milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(2) Receipts of fluid milk products from other plants in the case of a plant with no receipts described in subparagraph (1) above.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 60 percent, and during any of the months of March through August not less than 50 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association) or from a cooperative association in the capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products not less than 60 percent during any month of September through February, or 55 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as Class I milk in the form of fluid milk products, and the volume so disposed of as route disposition of fluid milk products in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(c) A supply plant that was a pool plant during each of the months of September through February pursuant to paragraph (b) of this section shall be a pool plant during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of such month, requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it does not qualify pursuant to paragraph (b) of this section. However, the automatic pool plant status of a supply plant pursuant to this paragraph shall be canceled for any month during the March through August period that another supply plant is qualified for pooling by shipping fluid milk products to the same distributing plant(s) by which such automatic pooling was accomplished.

(d) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provisions if:

(1) It is owned and operated by a handler who also operates a pool plant pursuant to § 1004.8(a);

(2) It is located outside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator on or before the first day of September for pool plant status for such plant;

(4) The plant(s) in combination with the pool distributing plant meet the provisions of § 1004.8(a);

(5) The handler qualifies no other supply plant by actual shipments to such pool distributing plant; and

(6) The handler notifies the market administrator each month at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator with respect to any receipts from dairy farmers not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Any manufacturing plant which is operated by a cooperative federation or association 70 percent or more of whose members are producers, which is located in the marketing area and from which fluid milk products are moved to other pool plants; if during the month not less than 90 percent of the receipts at such plant is from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1004.10(c)) who are members of federations or cooperative associations of which 70 percent or more of the membership are producers whose milk is received at other pool plants.

(f) Any supply plant that was a nonpool plant during any of the months of August through November shall not be a pool plant in any of the immediately following months of March through June in which it was owned by the same handler, affiliate of the handler or by any person who controls or is controlled by the handler.

§ 1004.9 Nonpool plants.

"Nonpool plant" means a plant other than a pool plant. The categories of nonpool plants are:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

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

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or another order plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler or another plant from which fluid milk products are shipped to a pool plant. This includes any plant specified in § 1004.8(f) which does not qualify as an "other order plant".

§ 1004.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; and

(4) An other order plant pursuant to § 1004.61.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.15 from a pool plant to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association unless both the cooperative association and the handler notify the market administrator in writing prior to the first day of the month that the plant operator will be the handler and is purchasing the milk on the basis of farm weights and tests determined by farm bulk tank calibrations and at butterfat tests based on samples taken at the farm. Milk for which the cooperative association is the handler pursuant to this paragraph, shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a nonpool plant disposing of fluid milk products on routes in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1004.10 (b) or (c).

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants: *Provided, that:* (1) The quantity of fluid milk products received during the month from pool plants shall not exceed 10,000 pounds; and (2) such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products 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.

§ 1004.13 Dairy farmer.

"Dairy farmer" means any person (except a handler pursuant to § 1004.10(d) who produces milk which is delivered in bulk to a plant.

§ 1004.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer with respect to milk reported pursuant to § 1004.8(d) (6);

(b) Any dairy farmer whose milk is received at a pool plant qualified pursuant to § 1004.8(e) for the account of a cooperative association which has no membership among producers delivering milk to other pool plants; and

(c) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through August from which the handler, an affiliate of the handler, or any person who controls, or is controlled by the handler, received milk other than as producer milk during any of the preceding months of September through February, unless the handler proves to the market administrator that all of his receipts (or receipts by an affiliate, or person who controls or is controlled by him) of milk from such dairy farm as other than producer milk during the preceding September through February period were neither approved for fluid disposition by a duly constituted health authority nor were disposed of for fluid consumption (including disposition to an agency of the U.S. Government for fluid consumption in its institutions or its bases), or unless the handler proves to the market administrator that during the preceding September through February period the milk of not less than 120 days of production from such dairy farm was received as producer milk at pool plants.

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a "dairy farmer for other markets", or any other person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant, diverted between pool plants in the same pricing zone, or received by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to an other order plant under an agreed upon Class II disposition by both the diverting and receiving handlers and for which equivalent Class II use is available in the receiving plant to permit such assignment under the terms of the other order, or which is otherwise diverted to any other nonpool plant other than a producer-handler plant during any month(s) of March through August, or in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section. A dairy farmer delivering milk to a pool plant qualified under § 1004.8(e) shall not qualify as a producer under this paragraph if such dairy farmer does not hold a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area:

(a) Not more than 10 days' production during the month unless: (1) in the case of a cooperative association, all of the diversions of milk of member producers of the cooperative during the month fall within the limits prescribed in paragraph (b) of this section; or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk of all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer, who is not a member of a cooperative association, which is diverted by a handler in his capacity as the operator of a pool plant from which the quality of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

(d) Milk which is diverted pursuant to paragraph (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it is diverted except that, for the purpose

of 125 miles from the nearest of such suant to §§ 1004.52 and 1004.82, milk which is diverted from a pool plant within 55 miles of the nearest of the basing points in § 1004.52 to a plant in excess of 125 miles from the nearest of such basing points or from a pool plant located in excess of 55 miles of the nearest of the basing points to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, and condensed or evaporated products in hermetically sealed glass or metal 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;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.10(c); or

(3) Diverted in accordance with the provisions of § 1004.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted, or combined with another product during the month; and

(2) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c);

(d) "Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.63 multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph;

(e) "Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during such month.

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.18 Certified milk.

"Certified milk" is milk which is produced, packaged, and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The Market Administrator 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.

§ 1004.21 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 amendments to the Secretary.

§ 1004.22 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 his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds received pursuant to § 1004.88:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1004.87, necessarily incurred by him in the maintenance and functioning of his office and in performance of his duties;

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

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 and 1004.31 or payments pursuant to §§ 1004.80 through 1004.88;

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

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

(i) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicy announce by posting in a conspicuous place in this office and by such other means as he deems appropriate, the following:

(1) The fifth day of each month, the Class II price computed pursuant to § 1004.50(b) and the handler butterfat differentials computed pursuant to § 1004.51, both for the preceding month; and

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month; and

(3) The 15th day of the month preceding the start of each calendar quarter, the Class I price computed pursuant to § 1004.50(a); and

(4) The 15th day of each month the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(a)(3) for the period ending with the preceding month and the 12-month utilization percentage factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4).

(k) On or before the 13th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month; and

(l) On or before February 10 of each year, notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

(m) Whenever required for purpose of allocating receipts from other order

plants pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(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;

(n) Report to the Market Administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

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

REPORTS, RECORDS, AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the Market Administrator in the detail and on forms prescribed by the Market Administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) receipts of producer milk (including such handler's own production);

(ii) receipts of fluid milk products from other pool plants, and milk received from a cooperative association for which it is a handler pursuant to § 1004.10(c); and

(iii) receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Each producer-handler shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

(d) Each handler pursuant to § 1004.10(e) shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

(e) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.10 (b) and (c) as follows:

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

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) The quantities of skim milk and butterfat delivered to each producer-handler.

§ 1004.31 Other reports.

(a) Each pool handler shall report to the Market Administrator in the detail and on forms prescribed by the Market Administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

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

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the Market Administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the Market Administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the change took place, and the farm and plant location involved.

(c) In making payments to producers pursuant to § 1004.80(a)(2), or to a cooperative association pursuant to § 1004.80(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

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

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to a producer is required under § 1004.80(a)(2);

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

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of the payments to the producers.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.10 (d) or (e) shall report to the Market Administrator, in the detail and on forms prescribed by the Market Administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transactions as the Market Administrator may prescribe.

§ 1004.32 Records and facilities.

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

(a) The receipt 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 and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1004.30(a)(2);

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted; and

(e) Other information required to be reported pursuant to § 1004.31(e).

§ 1004.33 Retention of records.

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

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to

§ 1004.30 shall be classified each month by the Market Administrator pursuant to the provsions of §§ 1004.41 through 1004.46.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.46, the classes of utilization shall be as follows:

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

(1) Disposed of as a fluid milk product;

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

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

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

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the Market Administrator such advance notice of intent to dump as the Market Administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lost from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers who are not producers and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided*, That such establishment does not dispose of any fluid milk product;

(8) The weight of skim milk in fortified fluid milk products which is expected from Class I milk pursuant to paragraph (a) of this section.

§ 1004.42 Shrinkage.

The Market Administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk in butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.4(b)(5); and (2) skim milk and butterfat in other source milk exclusive of that specified in § 1004.41(b)(5).

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1004.10(c), the cooperative association shall be responsible for proving that skim milk which was not received at a pool plant should be classified other than as Class I, and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1004.10(c) shall be responsible for proving that such skim milk and butterfat should be classified other than as Class I.

§ 1004.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk and butterfat proves to the Market Administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the Market Administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted between pool plants in the same pricing zone or transferred from a pool plant or a cooperative association as a handler pursuant to § 1004.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2) and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.46(a)(5), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk.

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.46(a)(9) or (10) and the corresponding steps of § 1004.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk if transferred from a pool plant or delivered by a cooperative handler to a handler pursuant to § 1004.10(e).

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the Market Administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee 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;

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

(i) Any route disposition 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, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

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

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the Market Administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

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

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

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

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

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

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

(6) If the form in which any fluid milk product 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 § 1004.41.

§ 1004.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.10 (b) and (c) and was not received at a pool plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1004.10 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at each pool plant for each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form;

(3) 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, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

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

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

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

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

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

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and (b) and from unidentified sources; and

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

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers, for other markets pursuant to § 1004.14(b), but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3) and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(c), remaining at the plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

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

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

(9)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipt of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14 (c), that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any

class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant) in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.22(1); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) according to the classification assigned pursuant to § 1004.44(a); and

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

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

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

Minimum Prices

§ 1004.50 Class prices.

(a) *Class I milk.* For each month in each calendar quarter, the price per hundredweight of Class I milk shall be $7.17.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month, to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. Such price shall be rounded to the nearest cent but shall not exceed a price computed as follows:

(i) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(iii) From the sum of the results arrived at under subdivision (i) and (ii) of this subparagraph subtract 48 cents, and round to the nearest cent.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month	Amount
January	+.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.06
October	+.08
November	+.08
December	+.08

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2, divide by 9.7143: *Provided,* That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant in Pennsylvania or New Jersey located 55 miles or more by shortest highway distance, as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J., or outside Pennsylvania and New Jersey and located 75 miles or more from the zero milestone in Washington, D.C., or City Hall in Baltimore, Md., or Salisbury, Md., and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers, subject to the exception contained in § 1004.15(d):

Rate per hundredweight

	Cents
Distance of plant from nearest city base point:	
55 miles	9.0
Each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant

from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided*, That for purposes of this paragraph transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

(c) For milk received from producers at a pool plant located 55 to 75 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Rate per hundredweight

	Cents
Distance of plant from nearest City Hall:	
55 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

§ 1004.53 Equivalent prices or indexes.

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

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.53, 1004.62, 1004.70, 1004.71 and 1004.80 through 1004.89a shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1004.30) and allow verification of such reports by the market administrator. In addition, each handler operating an Order 2 pool plant from which any unpriced milk is disposed of as route disposition in the marketing area of this order shall, on or before the 15th day after the end of the month make payments to the producer-settlement fund of the difference between the announced Class I price under this order and the announced uniform price under Order 2, both applicable at his plant location, on the volume of such milk so disposed, and pay the administrative assessment provided in § 1004.88 with respect to such milk.

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Middle Atlantic marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to subsection 1004.30(b) and 1004.31(d) 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 § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average 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 § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to subsections 1004.30(b) and 1004.31(c) 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 § 1004.8 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 milk (approved by a duly constituted health authority for fluid disposition) 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 II price).

§ 1004.63 Computation of base for each producer.

After January 31, 1971, for each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by 154, in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) For any producer whose milk was received during the preceding months of August through December at a plant which first became a pool plant after the first month of such base-earning period, and which was a pool plant for 120 days or more during the base-forming period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period at the plant: *Provided*, That if such plant was a pool plant on less than 120 days, the quantity of milk receipts shall be 50 percent of the total pounds of milk received from such dairy farmer during such August–December period at the plant.

(c) For any producer who, during the two base-forming months of August and September qualified under Order 2 (New York-New Jersey) as a producer, and was a producer under this part during all of each of the three remaining base-forming months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of August through December by pool handlers under both orders.

(d) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the base-forming months of October, November, and December at a pool plant at which receipt of his milk in the immediately preceding months of August and September would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(c), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of August through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or any person who controls or is controlled by the handler during such months of August and September.

(e) If a producer delivers no milk to a pool plant during the base-forming period of August through December or if milk is delivered on less than 120 days (60 days in the case of every-other-day delivery) during such base-forming months and the producer relinquished his base, the base of such producer shall be 50 percent of his average daily deliveries of producer milk during each month until a base is computed on the basis of deliveries during 4 complete months in a subsequent August through December period; *Provided*, That on the date such producer obtains such a base or a base in any quantity by transfer under the provisions of § 1004.64(b), the provisions of this paragraph are no longer applicable.

§ 1004.64 Base rules.

After January 31, 1971, the following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraph 1004.63(a) through (d) shall be effective for the subsequent months of February through January inclusive.

(b) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (e) of this section may be transferred in its entirety to another dairy farmer upon the death or the discontinuance of milk production or upon entry into military service by the base owner. Sale of the entire productive herd in reasonable relation to the size of base transferred by dispersal sale or in total shall be deemed as evidence of discontinuing milk production.

(c) Base transfers shall be accomplished upon written application on a form approved by the market administrator and shall be signed by the base holder, or his heirs or assigns and by the person to whom such base is to be transferred; *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs or assigns.

(d) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interests of the partners in the base if filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraphs (b) and (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

(f) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or act of God; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under state or federal authority.

(g) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) above.

§ 1004.65 Relinquishing a base.

After January 31, 1971, a producer who delivers on 120 days or more during August through December and notifies the Market Administrator that he relinquished his established base shall be paid pursuant to the provision of § 1004.63(e) beginning with the first day of the month in which such notification is received by the Market Administrator until the next February 1.

§ 1004.66 Continuation of present base and blend pricing provisions through January 31, 1971.

Prior to February 1, 1971, the following base program shall be effective:

(a) For each of the months of March through June each year the Market Administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1) less the number of days, if any, during the immediately preceding base-forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c) or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154.

(i) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(ii) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July-December period by pool handlers as producer milk or at the plant as a nonpool plant;

(iii) For any producer who, during any of the three base-earning months July through September the preceding year, qualified under Order 2 as a producer and was a producer under Order No. 2 during all of each of the three remaining base-earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under each of the orders; or

(iv) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(c), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or

any person who controls or is controlled by the handler during such months of July through September.

(b) The following rules shall apply in connection with the establishment of bases:

(i) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the Market Administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the Market Administrator and shall be signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns;

(ii) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(iii) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the Market Administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such diversion with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the Market Administrator.

DETERMINATION OF UNIFORM PRICE

§ 1004.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association handler pursuant to § 1004.10 (b) and (c) with respect to milk which was not received at a pool plant shall be a sum of money computed by the Market Administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.10(c) and allocated pursuant to § 1004.46 (a) and (b)(11) and the quantity of producer milk in each class, as computed pursuant to § 1004.46(c), by the applicable class prices (adjusted pursuant to subsections 1004.51 and 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.46(a)(12) and the corresponding step of § 1004.46(b) by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(7) and the corresponding step of § 1004.46(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(4) and the corresponding step of § 1004.46(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.

(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 II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b); and

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) and (2) of this paragraph as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers for other markets assigned to Class I pursuant to § 1004.46(a)(9) and the corresponding step of § 1004.46 (b), adjusted pursuant to § 1004.52;

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b) (excluding milk from dairy farmers for other markets and receipts from partially regulated distributing plants for which disposition a specific allocation was made to Federal order receipts from this or any other order), adjusted for the location of the nearest plant from which such types of receipts were received.

§ 1004.71 Computation of weighted average prices.

For each month the Market Administrator shall compute the weighted average price through January 31, 1971, and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follow:

(a) Combine into one total the values computed pursuant to § 1004.70 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of such milk;

(d) Subtract the total of payments required to be made for such month by § 1004.89.1;

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

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

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1004.70(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and shall be the uniform price per hundredweight of milk of 3.5 percent butterfat received from producers in each of the months of July through February through January 31, 1971.

§ 1004.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July and after January 31, 1971, for each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, free on board market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1004.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1004.71 (a) through (e) subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.71(f)(2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk

for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to paragraph (f) of this section the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

PAYMENTS

§ 1004.80 Time and method of payment.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraph (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the price for base milk computed pursuant to § 1004.72 (c) through (f) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.72 (a) and (b) for excess milk received from such producer subject to the following adjustments.

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.81; and

(iv) Less the location differential received pursuant to § 1004.82: *Provided*, That if by such date such handler has not received full payment from the Market Administrator pursuant to § 1004.85 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the Market Administrator;

(b) In the case of a cooperative association which the Market Administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the Market Administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.10(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to subsections 1004.81 and 1004.82, less the amount of partial payment on such milk.

§ 1004.81 Butterfat differential to producers.

The uniform base and excess prices to each producer shall be increased or decreased, for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.10(c), subject to the exception contained in § 1004.15(d):

(1) The uniform price for base milk computed pursuant to § 1004.72 for base milk received from producers at a pool plant located in Pennsylvania or New Jersey and at least 55 miles from the nearest of the city halls, in Philadelphia, Pa.; Atlantic City or Trenton, N.J.; or at least 75 miles from the zero milestone in Washington, D.C., or city hall in Baltimore, Md.; or Salisbury, Md.; by the shortest highway distance as determined by the Market Administrator shall be reduced 9 cents plus 1½ cents for each additional 10 miles.

(2) The uniform price for excess milk computed pursuant to § 1004.72 for excess milk received from producers at a pool plant at which a location differential applies shall be reduced by a location differential computed pursuant to § 1004.52(c).

(b) For purposes of computations pursuant to subsections 1004.84 and 1004.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

§ 1004.83 Producer-settlement fund.

The Market Administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to subsections 1004.61, 1004.62, 1004.84, and 1004.86 and out of which he shall make all payments pursuant to subsections 1004.85 and 1004.86: *Provided*, That the Market Administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1004.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the Market Administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.70 for such handler; and

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the applicable uniform price(s), pursuant to § 1004.72 adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the weighted average price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

§ 1004.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the Market Administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.84(b) exceeds the amount computed pursuant to § 1004.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the Market Administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.86 Adjustment of accounts.

Whenever verification by the Market Administrator of reports or payments of any handler discloses errors resulting in

money due (a) the Market Administrator from such handler, (b) such handler from the Market Administrator, or (c) any producer or cooperative association from such handler, the Market Administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the Market Administrator on or before the 20th day after the end of the month. Such money shall be expended by the Market Administrator to provide market information and to verify the weights, samples, and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.80 (a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1004.88 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the Market Administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.10(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant), with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association), and other source milk allocated to Class I pursuant to § 1004.46 (a)(5) and (9) and the corresponding step of § 1004.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants and other order plants;

(c) Each handler in his capacity as the operator of an other order plant with respect to his route disposition in the marketing area, which milk was not classified and priced under such other order.

§ 1004.89 Termination of obligations.

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

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

(1) The amount of the obligation;

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

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

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

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

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

§ 1004.89a Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a State; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperative" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, a producer under this order who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 4 cents per hundredweight of milk delivered by him: *Provided*, That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another cooperative or federation.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the Market Administrator for payments under the provisions of this section or for modification on the basis of a previous designation. Such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate

facilities and personnel will be maintained by it so as to enable it to perform the marketwide services, and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided*, That in the case of an application for modification of the basis for a previous designation, the Market Administrator may waive the requirements for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the Market Administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the Market Administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has as member producers or its affiliated cooperatives have as member producers, not less than 10 percent of all producers, as defined in this order.

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 4 cents per hundredweight of milk delivered by member producers of such cooperatives.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 10 percent of all producers, as defined in this order;

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the Market Administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the Market Administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* At least annually, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and assembling statistical data relative to price and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participating in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) assuming the responsibility for hauling and disposing of surplus milk of members and nonmembers in the highest use classification available and having available sufficient plant capacity to receive all the milk of producers who are members and be willing and able to receive milk of producers who are not members; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time and method of payment.*

(1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 20th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payment to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 4 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) Cancellation of designation.

(1) The market administrator shall issue an order wholly or partly canceling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements for this part: *Provided*, That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section.

(2) An order of the market administrator wholly or partly cancelling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing.

(3) A cancellation order issued by the market administrator shall set forth the

findings and conclusions on the basis of which it is issued.

(h) *Appeals.*

(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been canceled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settlement funds.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from the evidence upon which it was issued: *Provided,* That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Reports and records.* Each designated cooperative or federation shall:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is accurate to the best of his knowledge.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(j) *Notice, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provisions of this part, 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.

§ 1004.92 Continuing obligations.

If under 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.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the Market Administrator, or such 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 assignment or other instruments necessary or appropriate to effectuate any such disposition. If the 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

§ 1004.100 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.

§ 1004.101 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.

Proposed by Dairymen's League Cooperative Association, Inc., and Northeast Dairy Cooperative Federation, Inc.:

Proposal No. 2. In lieu of the base-excess plans currently used in the three markets, substitute a seasonal incentive payment plan (Louisville Plan) whereby pool funds are set aside during the months of high production and returned to the pool during the months of low production.

Proposed by Cloverland Farms Dairy, Green Spring Dairy, Highs of Baltimore, Inc., Koontz Dairy and Thompson's Dairy:

Proposal No. 3. Modify the shrinkage allowance provided in any order resulting from the hearing to reflect increased losses due to the employment of modern methods of processing and packaging of fluid milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform thereto with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at Post Office Box 306, Alexandria, Va. 22313; 1 Decker Square, Room 646, Bala Cynwyd, Pa. 19004; Post Office Box 6848, Towson Station, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112-A, Adminstration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 3, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-8062; Filed, July 8, 1969; 8:49 a.m.]

[7 CFR Part 1063]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area is being considered for the months of July and August 1969.

The provision proposed to be suspended is the proviso in § 1063.14, relating to diversion of producer milk to nonpool plants.

The suspension action is requested by Mississippi Valley Milk Producers Association, Inc., and Clinton Cooperative Milk Producers Association to accommodate the handling of reserve milk of the market. The associations claim that without such suspension action they would be forced to receive the producer milk first at pool plants for reshipment to manufacturing plants. This would be an undue expense on the part of dairy farmers and their cooperatives supplying the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be 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).

Signed at Washington, D.C., on July 3, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-8063; Filed, July 8, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Blytheville, Ark., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

A new public use instrument approach procedure has been developed for the Blytheville, Ark., Municipal Airport using a proposed city-owned radio beacon, presently unnamed, as the navigational aid. In addition, the criteria for designation of terminal controlled airspace has been changed. Accordingly, it is necessary to alter the Blytheville, Ark., transition area to provide controlled airspace protection for aircraft executing the new procedure and to comply with the new criteria. Alteration of the Blytheville, Ark., control zone is necessary to comply with the new criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4565) the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

Within a 5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

(2) In section 71.181 (34 F.R. 4654) the Blytheville, Ark., transition area 700-foot portion is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.) excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15" N., long. 89°49'-45" W.), within 4 miles east and 5 miles west of a 360° bearing from the (unnamed) RBN (lat. 35°57'52" N., long. 89°49'35" W.) extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8021; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Kinston transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Stallings Field.

Since the last alteration of controlled airspace in the Kinston terminal area, turbojet aircraft have begun utilizing Stallings Field. Criteria appropriate to this airport requires an increase in the transition area basic radius circle from 6 to 8.5 miles. This increase permits the revocation of the transition area extension predicated on the Kinston VORTAC 046° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8022; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the description of the Pueblo, Colo., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed additional controlled airspace is required to simplify air traffic control procedures and to permit radar vectoring of terminal traffic in the area southwest of Pueblo at altitudes below 14,500 feet.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (34 F.R. 4637) the Pueblo, Colo., transition area is amended by deleting all after "* * *, latitude 38°07'00" N., longitude 104°04'00" W., * * *" and substituting therefor "* * * thence west along latitude 38°07'00" N., to the west edge of V-19; thence south along the west edge of V-19 and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W., to latitude 38°-07'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 105°00'00" W., to latitude 38°25'00" N., longitude 104°52'-00" W., thence to point of beginning."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 26, 1969.

LEE E. WARRAN,
Acting Director, Western Region.

[F.R. Doc. 69-8023; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Indianola, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Indianola transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field.

The proposed transition area is required to provide controlled airspace protection for IFR operations during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach to Indianola-Legion Field, utilizing the Greenwood, Miss., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 25, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8024; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Shelby, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Shelby transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport; within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

The proposed transition area is required to provide controlled airspace protection for IFR operations at Shelby Municipal Airport in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to this airport, utilizing the Spartanburg VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 26, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8025; Filed, July 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Raton, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 051° radial, and within 3.5 miles each side of the Cimarron VORTAC 051° radial extending from the 8.5-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest and 10 miles southeast of the Cimarron VORTAC 051° radial extending from the VORTAC to 28 miles northeast of the VORTAC, and within 5 miles northwest and 8.5 miles southeast of the Cimarron VORTAC 051° radial extending from 28 miles northeast of the VORTAC to 45 miles northeast of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Crews Field, Raton, N. Mex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 26, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8026; Filed, July 8, 1969; 8:47 a.m.]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. FRA-SA-1]

RAILROAD SAFETY APPLIANCE STANDARDS

Notice Postponing Hearing Date

Upon the request of several interested parties, the oral hearing in this proceeding now set for July 23, 1969, is hereby postponed to August 6, 1969.

The date for the receipt of written submissions remains July 21, 1969. The time and place of the hearing will be the same as stated in the prior notice, that is Conference Room 2B, Federal Railroad Administration, 9:30 a.m., e.d.s.t.

Issued in Washington, D.C., on July 3, 1969.

ROBERT R. BOYD,
Hearing Examiner.

[F.R. Doc. 69-8041; Filed, July 8, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18592; FCC 69-732]

TELEVISION BROADCAST STATIONS

Table of Assignments; Hagerstown, Md., and Altoona, Pa.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Hagerstown, Md., and Altoona, Pa.); Docket No. 18592, RM-1439.

1. On April 8, 1969, the Maryland Educational-Cultural Broadcasting Commission (hereinafter known as MECBC) filed a brief petition with this Commission requesting the replacement of educational channel *68 with educational channel *31 at Hagerstown, Md., and the replacement of channel 31, now assigned to Altoona, with any of the following channels 17, 23, or 38. Comments were filed by the MECBC and the Association of Maximum Service Telecasters, Inc. (hereinafter known as AMST). A reply comment was filed by petitioner.

2. According to the 1960 U.S. Census, Hagerstown (located in Washington County with its population of 91,219) has 36,660 residents. It has two television channels assigned to it 25 (WHAG-TV—permittee) and *68 which is unapplied for. Altoona has four assignments 10, 31, 47, and *57 all of which, excepting channel 10 licensed to WFBG-TV, are unapplied for. Altoona is located in Blair County, their populations respectively are 69,407 and 137,270.

3. Petitioner, a creation of the Maryland Legislature is desirous of establishing a state-wide educational and cultural television service throughout the State of Maryland. A Hagerstown operation is an important part of a proposed seven-station network, and therefore, the MECBC is of the view that because of the mountainous terrain surrounding Hagerstown in western Maryland, and the alleged advantages of broadcasting on a lower channel, that it is desirable to replace Hagerstown's present educational reservation *68 with Channel *31. It is the Commission's view, however, that if there is any advantage it is minimal.

4. In commenting on the MECBC proposal, the AMST states: "The assignment of channel *31 to Hagerstown as proposed by MECBC would involve a shortage of approximately 2 miles in the 60 mile 'taboo' separation which is required between the Hagerstown reference point and the authorized transmitter site of WBFF, channel 45, Baltimore, Md. However, MECBC has proposed to locate the channel *31 transmitter at a site that is approximately 13 miles west of Hagerstown, where use of channel *31 would be in compliance with all mileage separation requirements (table 1 of engineering statement in support of MECBC petition for rule making). If this proposed site is used for a channel *31 transmitter, the assignment of channel *31 to Hagerstown will not result in a transmitter-to-transmitter separation that would violate the minimum mileage separation requirement of § 73.610(c) of the Commission's rules * * * Under the circumstances, AMST has no objection to the assignment of channel *31 to Hagerstown provided that the Commission will require channel *31 to be used at a site, such as suggested by MECBC, that will meet all minimum separation requirements, including those with respect to channel 45 at Baltimore." MECBC, in their reply comment, agreed to the condition above requested by AMST.

5. In order to permit the assignment of channel *31 to Hagerstown it is necessary to delete that channel from Altoona. Petitioner suggests its replacement in Altoona with one of the following channels, 17, 23, or 38. An analysis by the AMST and our computer indicates that neither channel 17 nor channel 23 can be assigned to Altoona in compliance with our spacing requirements. There seems to be, however, no spacing problem preventing our assignment of channel 38 to that community in place of channel 31.

6. In view of the foregoing, we are proposing to replace channel *68 with channel *31 at Hagerstown, Md., and to replace channel 31 with channel 38 at Altoona, Pa. Our proposed action would change the television assignments at Hagerstown, Md., from channels 25 and *68 to channels 25 and *31[1] and at Altoona, Pa., from channels 10, 31, 47, and *57 to channels 10, 38, 47, and *57.

[1] The assignments proposed will, of course, be expected to meet the regular requirements of the rules with respect to other channel assignments.

7. Authority for the action proposed herein, is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934 as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before August 11, 1969, and reply comments on or before August 21, 1969. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: July 2, 1969.

Released: July 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8055; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141]

[Docket No. R-363]

NUCLEAR FUEL

Uniform System of Accounts for Public Utilities and Licensees (Classes A and B) and FPC Form No. 1

JULY 1, 1969.

1. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553, the Commission gives notice it proposes to amend:

a. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees as prescribed by Part 101, Chapter I, Title 18, CFR.

b. Certain schedules of the FPC Form No. 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter I, Title 18, CFR, to be effective for the reporting year 1969.

2. The present Uniform System of Accounts was designed at a time when nuclear materials could not be privately owned. Prior to January 1, 1969, nuclear power reactor requirements consisted only of enriched material leased from the Atomic Energy Commission (AEC). Between January 1, 1969, and January 1, 1971, utilities may lease AEC-owned enriched uranium, but have the alternative of purchasing natural uranium, which then can be enriched by the AEC on a toll basis. After the latter date the AEC no longer will lease enriched uranium although previously leased materal can remain under lease until June 30, 1973. The changes here proposed reflect contemporary treatment of nuclear materials. The result from discussions with representatives of the utility industry and the AEC as well as conferences with members of the National Association of Regulatory Utility Commissioners Subcommittee of Staff Experts on Accounting.

3. The nuclear fuel cycle begins with the enrichment, refinement, conversion, and fabrication of the nuclear materials. After nuclear fuel has been fabricated into fuel elements, the elements are either inserted in a reactor or placed in the stock on hand account awaiting insertion into the reactor. Nuclear fuel in a reactor has a life of about 3 to 6 years, depending on the placement of the element in the reactor. While the nuclear fuel elements are in the reactor, they gradually lose enrichment until it becomes necessary to remove them from the reactor as spent fuel. That spent fuel contains not only quantities of uranium that may be reenriched and reprocessed to a usable form but also plutonium, thorium, and various other nuclear byproducts which are recoverable during the reprocessing period.

The proposed accounting is designed to account for each process of the fuel cycle and for the salvage value of the byproduct materials, which either may be sold at the time of reprocessing or kept by the utility for sale at a future time with the expectation of higher prices.

4. The principal proposed changes in Part 101 to the Uniform System of Accounts consist of the additions of new electric plant instruction number 16; Account 120, Nuclear fuel; Account 120.1, Nuclear fuel in process of refinement, conversion, enrichment, and fabrication; Account 120.2, Nuclear fuel materials and assemblies—Stock account; Account 120.3, Nuclear fuel assemblies in reactor; Account 120.4, Spent nuclear fuel; Account 120.5, Accumulated amortization of nuclear fuel assemblies; the deletion of Accounts 157, 158, and 159 and addition of new Account 157, Nuclear byproduct materials; and the substitution of Account 518, Nuclear fuel, for present Account 518, Fuel, to be deleted. Proposed amendments to § 141.1, which prescribes FPC Form No. 1, Annual Report of Classes A and B Electric Utilities and Licensees, are the expansion of the Comparative Balance Sheet to add the capital nuclear fuel account and amortization relating thereto; a new schedule entitled "Nuclear Fuel Materials (Accounts 120.1 through 120.4 and 157)"; and expansion of the Steam-Electric Generating Plant Statistics (Large plants) schedule to report nuclear fuel statistics.

5. The amendment to the Commission's regulations under the Federal Power Act and to FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 838, 854, 855, 858, 16 U.S.C. secs. 825, 825c, 825h).

6. Accordingly, it is proposed to amend Parts 101 and 141, Chapter I, Title 18 of the Code of Federal Regulations, in the manner set forth in Attachments A, B, C, D-1, and D-2 hereto.[1]

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 15, 1969, data, views, comments, and suggestions, in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed report form revision under the provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision in the report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

ATTACHMENT A

The following are proposed changes and revisions for nuclear fuel materials in the Uniform System of Accounts Prescribed for Public Utilities and Licensees (Classes A and B):

1. Add new electric plant instruction number 16 as follows:

16. *Nuclear Fuel Records Required.*

Each utility shall keep all the necessary records to support the entries to the various nuclear fuel plant accounts classified under "Assets and Other Debits," Utility Plant account 120, Nuclear Fuel, more specifically under accounts 120.1 through 120.5, inclusive, account 518, Nuclear Fuel, and any other account such as account 157, Nuclear Byproduct Materials, in which nuclear fuel byproducts held for sale or other disposal might be recorded. These records shall be so kept as to readily furnish the basis of the computation of the amortization of net nuclear fuel costs including the burn up of the fuel. The amortization of the fabrication cost of the fuel assemblies, consumption of nonnuclear materials, and the net value of plutonium or other nuclear byproducts produced.

2. a. Following account 119, Accumulated Provision for Depreciation and Amortization of Other Utility Plant, shall be added:

Sec.	
120	Nuclear fuel.
120.1	Nuclear fuel in process of refinement, conversion, enrichment, and fabrication.
120.2	Nuclear fuel materials and assemblies—Stock account.

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

[1] Attachments B, C, D-1, and D-2 filed as part of original document.

Sec.
120.3 Nuclear fuel assemblies in reactor.
120.4 Spent nuclear fuel.
120.5 Accumulated amortization of nuclear fuel assemblies.

b. After account 119, Accumulated Provision for Depreciation and Amortization of Other Utility Plant, add the following:

§ 120 Nuclear fuel.

This account shall include the original cost of nuclear fuel in utility plant included in accounts 120.1 to 120.4, inclusive, prescribed herein, owned and used by the utility in its electric utility operations. This account shall be maintained according to the subaccounts 120.1 to 120.4, inclusive, shown below.

c. After account 120, Nuclear Fuel, the following shall be added:

§ 120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.

A. This account shall include the original cost to the utility of nuclear fuel materials while in process of refinement, conversion, enrichment and fabrication into nuclear fuel assemblies and components including manufacturing costs and all necessary shipping costs. This account shall also include the salvage value of nuclear materials which are to be reprocessed for use and were transferred from account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies. Salvage value shall be determined by current market price.

B. This account shall be credited and account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, shall be debited for the cost of completed fuel assemblies delivered for use in refueling or to be held as spares. It shall also be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of completed fuel assemblies inserted in a reactor.

ITEMS

1. Cost of natural uranium, uranium concentrate or other nuclear fuel sources, such as thorium, plutonium, and U-233.
2. Value of recovered nuclear materials to be recycled.
3. Milling process costs.
4. Sampling and weighing, and assaying costs.
5. Purification and conversion process costs.
6. Costs of enrichment by gaseous diffusion or other methods.
7. Costs of conversion and fabrication into fuel forms suitable for insertion in the reactor.
8. All shipping costs of components, including shipping of fabricated fuel assemblies to the reactor site.
9. Use charges on leased nuclear materials while in process of refinement, conversion, enrichment and fabrication.

§ 120.2 Nuclear fuel materials and assemblies—Stock account.

A. This account shall be debited and account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication, shall be credited with the cost of fabricated fuel assemblies delivered for use in refueling or to be carried in stock as spares. This account shall also include the cost of partially irradiated fuel assemblies being held in stock for reinsertion in a reactor which had been transferred from account 120.3, Nuclear Fuel Assemblies in Reactor.

B. When spare fuel assemblies are inserted in a reactor or partially irradiated fuel assemblies are reinserted in a reactor, this account shall be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of such assemblies.

C. This account shall also include the cost of raw nuclear materials being held for future use in a reactor and not currently in process in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication.

§ 120.3 Nuclear fuel assemblies in reactor.

A. This account shall include the cost of nuclear fuel assemblies when installed in a reactor for the production of electricity. The amounts included herein shall be transferred from account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment and Fabrication, or from account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account.

B. Upon removal of fuel assemblies from a reactor, the cost of the assemblies removed shall be transferred to account 120.4, Spent Nuclear Fuel, or account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, as appropriate.

§ 120.4 Spent nuclear fuel.

A. This account shall include the cost of nuclear fuel assemblies in the process of cooling transferred from account 120.3, Nuclear Fuel Assemblies in Reactor, upon final removal from a reactor.

B. This account shall be credited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, debited for fuel assemblies, after the cooling period is over, at the cost recorded in this account.

§ 120.5 Accumulated amortization of nuclear fuel assemblies.

A. This account shall be credited and and account 518, Nuclear Fuel, shall be debited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the original cost of nuclear fuel assemblies, less the expected net salvage value of uranium, plutonium, and other byproducts at the end of the cooling period, when the cooled nuclear fuel assemblies are available for salvage, sale, reprocessing, or other disposition.

B. This account shall be credited with the net salvage value of uranium, plutonium, and other nuclear byproducts when such items are sold, transferred, or otherwise disposed of Account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be debited with the salvage value of nuclear materials to be reprocessed and reused.

C. This account shall be debited and account 120.4, Spent Nuclear Fuel, shall be credited with the cost of fuel assemblies at the end of the cooling period.

3. Delete accounts 157, 158, and 159

4. Add new account 157 as follows:

§ 157 Nuclear byproduct materials.

This account shall include the net salvage value of plutonium and other nuclear byproducts when such materials are to be held by the company for sale or other disposition and are not to be reused immediately by the company in its electric utility operations. This account shall be debited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, credited for such net salvage value. Any differences between the amount recorded in this account and the actual amounts received from the sale of materials shall be debited or credited as appropriate to account 518, Nuclear Fuel, at the time of such sale.

5. Delete Account 518, Fuel, and substitute the following:

§ 518 Nuclear fuel.

A. This account shall be debited and account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, shall be credited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the cost of nuclear fuel assemblies in a reactor or cooling as spent fuel less the expected net salvage of uranium, plutonium, and other byproducts. The utility shall adopt the necessary procedures to assure that charges to this account are accurately distributed to accounting periods, and that net credits to account 120.5, Accumulated Amortization of Nuclear Fuel Assemblies, do not exceed costs being amortized.

B. This account shall also include the costs involved when fuel is leased.

C. This account shall also include the cost of other fuels, if any, used for ancillary steam superheat facilities.

D. This account shall be debited or credited as appropriate for any differences between the amounts estimated as the salvage value of nuclear byproduct materials contained in accounts 120.3, Nuclear Fuel Assemblies in Reactor; 120.4, Spent Nuclear Fuel; and account 157, Nuclear Byproduct Materals, upon either the final disposition of the materials or any significant change in the market values of the byproduct materials which determine the recorded estimated amounts.

6. The following changes are proposed to the annual report FPC Form No. 1, to be effective for the reporting year 1969:

Comparative balance sheet. This schedule has been expanded to allow addition of the capital nuclear fuel account along with the accumulated amortization related thereto, Attachment B.[1]

Nuclear fuel materials (Accounts 120.1 through 120.4 and 157). This is a new schedule reporting annual costs of nuclear fuel materials as it moves

[1] Filed as part of the original document.

through its various phases of construction burnup and cooling, Attachment C.[1]

Steam-electric generating plant statistics (large plants). This two-page schedule has been expanded to allow reporting of nuclear fuel statistics similar to that now being reported for fossil fueled plants plus information on fuel enrichment, Attachment D.[1]

[F.R. Doc. 69-8000; Filed, July 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1041]

[No. MC-C-3437 (Sub-No. 4)]

AIR DELIVERY SERVICE ET AL.

Interpretation of Operating Rights Authorizing Service at Designated Airports; Correction

Published in the FEDERAL REGISTER, issue of July 2, 1969, and republished, in part, as corrected, this issue.

Petitioners: Air Delivery Service, Bayshore Air Freight, Inc., Con-O-V-Air Freight Service, Inc., Harbourt Air Freight Service, Inc., Pollard Delivery Service, Inc., and Trans Jersey Airfreight Service, Inc.

Petitioners' representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

The purpose of this partial republication is to redescribe the paragraph under the heading 1041.23:

§ 1041.23 Operating authority to serve named airports.

A certificate or permit issued to a motor carrier of property pursuant to Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) authorizing service to or from a named airport shall be construed as authorizing service to or from the air freight terminals of direct and indirect air carriers utilized by such air carriers in handling property moving into or out of such airports by aircraft, when such air freight terminals are located outside the boundaries of such airports.

The remainder of the notice remains the same.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8042; Filed, July 8, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 217]

[Regs. D, Q]

RESERVES OF MEMBER BANKS; PAYMENT OF INTEREST ON DEPOSITS

Certain Federal Funds Transactions as Deposits

The Board of Governors is considering amending § 204.1(f) and § 217.1(f) in order to bring a member bank's liability on certain so-called "Federal funds" transactions with customers other than banks within the coverage of Regulations D and Q. At the present time, all such transactions in nondocumentary nondeposit form are exempt from the regulations.

Recently, some banks have been making the Federal funds market available to their corporate depositors as a means of providing them with interest on short-term funds. In the Board's judgment, there is no justification for a bank's liability on such transactions to be exempt from rules governing reserve requirements and the legal prohibition against payment of interest on demand deposits.

In the Board's view there are only two types of Federal funds transactions entered into by banks that may justifiably be exempt from Regulations D and Q. One is where the liability is to another bank acting as principal (and not on behalf of any customer). The other is where the liability relates to certain transactions in connection with payment for securities. In the first case, the transactions facilitate implementation of monetary policy; in the second, the transactions are an integral part of the established market practice of settling purchases and sales of securities.

Limiting the scope of Federal funds transactions that are exempt from Regulations D and Q would be accomplished by amending the general rule set forth in § 204.1(f) and § 217.1(f), by modifying the interbank exemption thereto, and by the addition of a new exemption to cover Federal funds transactions on securities transactions, as follows:

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" shall be deemed to include the proceeds of any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

(1) Is issued to, and held for its own account by, a bank * * *

(4) Arises from a loan, for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), commonly referred to as "Federal funds", in connection with payment on that day for securities.

This notice is published pursuant to section 553(b) of title 5, United States Code, and section 262.2(a) of the rules of procedure of the Board of Governors.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1969.

Dated at Washington, D.C., this 26th day of June 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8177; Filed, July 8, 1969; 11:04 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 36, Amdt.]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) I hereby amend further Delegation of Authority No. 36, as follows:

I. Paragraphs numbered 1 through 11 are redesignated and renumbered 2 through 12, respectively;

II. Add a new paragraph 1, as follows:

1. Authority to execute the following:

(a) Procurement Authorizations and Requisitions.

(b) Project Implementation Orders/Commodities.

III. Redesignated paragraph 12(e) is amended to read as follows:

(e) Sections 1 and 2 of Delegation of Authority from the Director of ICA to the Deputy Director for Operations and Deputy Director for Management of ICA, dated September 28, 1960 (25 F.R. 9927).

IV. Actions within the scope of this amendment to Delegation of Authority No. 36 heretofore taken by the Assistant Administrator for Administration, or his designees, are hereby ratified and confirmed.

V. This amendment to Delegation of Authority No. 36 shall be effective immediately.

Dated: June 25, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69-8016; Filed, July 8, 1969; 8:46 a.m.]

CONTROLLER, A.I.D., ET AL.

Redelegation of Authority; Amendment

Pursuant to the authority delegated to me by Delegation of Authority No. 36, as amended, from the Administrator, Agency for International Development, I hereby amend the Redelegation of Authority, dated April 8, 1964 (29 F.R. 5354), as follows:

I. Paragraphs numbered 4 through 7 are redesignated and renumbered paragraphs 6 through 9, respectively.

II. Add a new paragraph 4, as follows:

4. To the Director and Deputy Director of the Office of Procurement, and to the Chief, Industrial Resources Division, Office of Procurement, authority to execute the following:

(a) Procurement Authorizations and Requisitions;

(b) Project Implementation Orders/Commodities.

III. Add a new paragraph 5, as follows:

5. The authorities delegated to the officers named herein may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

IV. Actions taken within the scope of this amendment to the Redelegation of Authority of April 8, 1964, heretofore taken by the officials designated herein are hereby ratified and confirmed.

V. This amendment to the Redelegation of Authority of April 8, 1964, shall be effective immediately.

Dated: July 1, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

[F.R. Doc. 69-8017; Filed, July 8, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-7999, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 1, 1969.

Dated: June 26, 1969.

WILLIAM R. REMALIA.

[F.R. Doc. 69-8019; Filed July 8, 1969; 8:46 a.m.]

[Order 2508, Amdt. 83]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

JUNE 30, 1969.

Section 30 of Order 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192, 8892; 26 F.R. 6944; 27 F.R. 2328; 28 F.R. 1072, 2199, 2927, 5687; 29 F.R. 7611, 17936; 30 F.R. 17, 7674, 8755, 12499; 32 F.R. 10117; 33 F.R. 15455, 19042, 19859), is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30 *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(42) The Act of September 28, 1968 (82 Stat. 884), which authorizes the purchase, sale, exchange and mortgaging of land by the Swinomish Indian Tribal Community, and for other purposes.

RUSSELL E. TRAIN,
Secretary of the Interior.

[F.R. Doc. 69-8027; Filed, July 8, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (34-716V-29) has been filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing that § 121.291 *Buquinolate* (21 CFR 121.291) be amended to provide for the safe use of a range of buquinolate of 75-100 grams per ton (0.00825-0.011 percent) in feed for broiler and replacement chickens as an aid in prevention of coccidiosis caused by certain organisms.

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8007; Filed, July 8, 1969; 8:45 a.m.]

O,O - DIETHYL - S - (2 - CHLORO - 1 - PHTHALIMIDOETHYL) PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerances

At the request of Hercules Inc., Wilmington, Del. 19899, temporary tolerances are established for residues of the insecticide *O,O*-diethyl-*S*-(2-chloro-1-phthalimidoethyl) phosphorodithioate and its oxygen analog *O,O*-diethyl-*S*-(2-chloro-1-phthalimidoethyl) phosphorothioate in or on the raw agricultural commodities apples at 3 parts per million, citrus fruits at 1.5 parts per million, and cottonseed at 0.1 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Hercules Inc., name.

These temporary tolerances expire July 1, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 1, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8008; Filed July 8, 1969; 8:45 a.m.]

O,O,O',O' - TETRAMETHYL O,O' - THIODI-p-PHENYLENE PHOSPHOROTHIOATE

Notice of Extension of Temporary Tolerance

A temporary tolerance of 0.1 part per million for residues of the insecticide *O,O,O',O'*-tetramethyl *O,O'*-thiodi-p-phenylene phosphorothioate in or on cottonseed was established at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540 (a notice was published in the FEDERAL REGISTER of May 20, 1967; 32 F.R. 7508), and was extended to May 15, 1969 (a notice was published May 21, 1968; 33 F.R. 7502).

The firm has requested a further extension to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that such extension will protect the public health; therefore, an extension has been granted that will expire May 15, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8009; Filed, July 8, 1969; 8:46 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0847) has been filed by Rohm & Hass Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on the raw agricultural commodity groups cucurbits, pome fruits, small fruits, and stone fruits and in or on the raw agricultural commodity strawberries at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the fungicide and insecticide is the method of I. Rosenthal et al., published in "Agricultural and Food Chemistry," vol. 5, pages 914–18 (1957).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8010; Filed, July 8, 1969; 8:46 a.m.]

N-(MERCAPTOMETHYL) PHTHALIMIDE S-(O,O-DIMETHYL PHOSPHORODITHIOATE)

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, a temporary tolerance of 0.1 part per million is established for negligible residues of the cholinesterase-inhibiting insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodity potatoes.

The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Stauffer Chemical Co., name.

This temporary tolerance expires June 30, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8011; Filed, July 8, 1969; 8:46 a.m.]

2,6-DICHLORO-4-NITROANILINE

Notice of Further Extension of Temporary Tolerance

The Upjohn Co., Kalamazoo, Mich. 49001, was granted a temporary tolerance of 20 parts per million for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity nectarines on June 27, 1967 (notice was published in the FEDERAL REGISTER of July 6, 1967; 32 F.R. 9853); and at the request of the firm it was extended on May 7, 1968 (notice was published May 17, 1968; 33 F.R. 7333).

The firm has requested a further extension for obtaining additional data, completing the experimental work, and covering use of unused stock. The Commissioner of Food and Drugs concludes that such an extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Upjohn Co. name.

As extended, this temporary tolerance expires June 27, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8012; Filed, July 8, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

THORIUM, URANIUM, AND PLUTONIUM

Isotopically Enriched Quantities

General. The U.S. Atomic Energy Commission (AEC) hereby gives notice of the establishment of charges for research quantities of isotopically enriched thorium, uranium, and plutonium. Nothing in this notice shall be deemed to obligate the AEC to sell any specific quantities of thorium, uranium, or plutonium or to sell them at any specific time. The charges and other information

contained in this notice are subject to change by the AEC from time to time. This notice supersedes the earlier notice Plutonium Enriched in Pu^{238} Research Quantities published by the AEC in the FEDERAL REGISTER, 33 F.R. 6144, April 20, 1968.

1. *Base charges.* The following charges are for elements and isotopic assays available for distribution by the AEC:

PRICES FOR THORIUM, URANIUM AND PLUTONIUM ISOTOPES

Element and isotope	Enrichment range, percent	Price per milligram
Thorium-229	Greater than 99.0	$150.00
Thorium-230	Greater than 80.0	23.07
Uranium-233	Greater than 99.9	2.58
Uranium-234	Greater than 99.0	8.32
Uranium-235	Greater than:	
	99.9	.15
	99.5-99.9	.14
	99.0-99.5	.13
	98.0-99.0	.11
Uranium-236	Greater than:	
	99	1.50
	95-99	1.09
	90-95	.82
	80-90	.41
	Less than 80	.22
Uranium-238	Less than:	
	100 p.p.m. U^{235}	.005
	100-200 p.p.m. U^{235}	.05
	200-300 p.p.m. U^{235}	.03
	300-500 p.p.m. U^{235}	.015
Plutonium-238	Greater than 79.00	1.09
Plutonium-239	Greater than:	
	99.99	2.42
	99.95-99.99	2.37
	99.85-99.95	2.22
	99.50-99.85	1.97
	99.30-99.50	1.03
	99.10-99.30	.60
	99.0-99.10	.16
Plutonium-240	Greater than:	
	98	2.99
	95-98	2.92
	85-95	2.65
	75-85	2.58
Plutonium-241	Greater than:	
	93	7.98
	85-93	7.60
	80-85	6.30
Plutonium-242	Greater than:	
	90	15.89
	85-90	14.09
	80-85	13.77

2. *Specifications.* The standard chemical form for these materials is the oxide. If AEC is requested and agrees to distribute in any other chemical form the AEC will make a charge for costs involved in any conversion.

3. *Special charges.* In addition to the base charges, there shall be charges by the AEC for packaging the thorium, uranium, or plutonium into suitable containers.

4. *Correspondence.* Any correspondence involving this notice should be addressed to Isotope Sales, Oak Ridge National Laboratory, Post Office Box X, Oak Ridge, Tenn. 37830.

5. *Effective date.* This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 2d day of July 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 69-7989; Filed, July 8, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21031]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Prehearing Conference Regarding Renewal of Application

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 24, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., July 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8056; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 20781; Order 69-7-20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Philadelphia, Washington, Baltimore Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of July 1969.

Agreement adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA) relating to Philadelphia/Washington/Baltimore transatlantic fares.

By Order 69-4-138, the Board, among other things, conditioned its approval of an IATA transatlantic fare agreement intended to be effective May 1, 1969, so as to require that fares between Philadelphia/Washington/Baltimore and European points or points beyond be no greater, on a fare per mile basis, than fares to/from New York. The application of the condition was subsequently deferred until July 1, 1969 (Order 69-5-137).

By a telegram received June 26, 1969, Pan American World Airways, Inc. (Pan American), requested that application of the condition now be deferred until August 1, 1969, and stated that Trans World Airlines, Inc. (TWA), joined in the request. In its request, Pan American adverted to the technical difficulties involved and stated that there was insufficient time to comply with the Board's order in a timely manner, even though steps had been taken to initiate a mail vote agreement.

The Board is aware of the technical problems involved in the restructuring of the fares in question to a mileage basis, and of the carriers' efforts to solve the problems. Under all circumstances, the Board does not consider the further deferral as requested to be adverse to the public interest. Accordingly, acting pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 404(b), 412, and 1002(b) thereof:

It is ordered, That:

Application of the condition imposed in ordering paragraph 1(b) of Order 69-4-138 that fares between Philadelphia/Washington/Baltimore and European points or beyond be, on a per mile basis, no greater than corresponding fares per mile to/from New York for all respective fare categories is deferred until August 1, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-8057; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 20932]

NORDAIR LTEE—NORDAIR LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 28, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8058; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a report of condition as of the close of business June 30, 1969, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original report of condition on Office of the Comptroller Form, Call No. 470,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original report of condition on Federal Reserve Form 105—Call 192,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal

[1] Filed as part of original document.

Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on FDIC Form 64—Call No. 88,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of reports of condition by National Banking Associations," dated June 1969.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of reports of condition by State Member Banks of the Federal Reserve System," dated June 1969.[1] The original report of condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of report of condition on Form 64, by insured State banks not members of the Federal Reserve System," dated June 1969.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of report of condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] R. A. RANDALL,
Chairman,
WILLIAM B. CAMP,
Comptroller of the Currency.
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
J. L. ROBERTSON,
Vice Chairman.

[F.R. Doc. 69-7999; Filed, July 8, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AKTIEBOLAGET SVENSKA ATLANT LINIEN 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 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.

Mr. W. C. Menge, General Traffic Manager, Strachan Shipping Co., 1600 American Bank Building, New Orleans, La. 70130.

Notice of agreement filed for approval by:

Agreement No. 9806 provides for the interchange of cargo containers, trailers, and related equipment by Aktiebolaget Svenska Atlant Linien, S.A. Wilhelmsens Dampskibsaktieselskab, Hamburg-Amerika Linie and Norddeutscher Lloyd, common carriers operating in the trades between U.S. ports and ports of the United Kingdom, Europe, and various overseas areas in accordance with the terms and conditions set forth therein.

Dated: July 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8059; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 69-33]

ATLANTIC AND GULF COAST OF SOUTH AMERICA

First Supplemental Order

Atlantic and Gulf West Coast of South America Conference Agreement No. 2744-30, et al.

On June 27, 1969, the Commission instituted the subject proceeding to determine, among other specified issues, whether nine pending agreements, covering the establishment of through rates between points in the United States and points in the countries they serve by arrangements with carriers of other modes of transportation, and the adoption of a uniform through bill of lading by each conference, should be approved, disapproved, or modified. It now appears that clarification of appendix A of the order is needed to name the conference member lines as respondents.

Therefore, it is ordered, That pursuant to sections 15, 18(b) and 22 of the Shipping Act, 1916, appendix A of the order is expanded to include the member lines of the respondent conferences; and

It is further ordered, That the member lines named in appendix A-1 be made respondents in the proceeding; and

It is further ordered, That notice of this supplemental order be published in the FEDERAL REGISTER and a copy thereof served upon all parties.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A-1

Alcoa Steamship Company, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Lines, Ltd., c/o Chester, Blackburn & Roder, Inc., 1 Whitehall Street, New York, N.Y. 10004.
Azta Shipping Co., c/o Jan C. Uiterwyk Co., Inc., 80 Broad Street, New York, N.Y. 10004.
Booth Lamport, c/o Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.
Chilean Line, 29 Broadway, New York, N.Y. 10006.
Coldemar Line, Inc., 17 Battery Place, New York, N.Y. 10004.
Empresa Honduras de Vapores, S.A., Mr. Wilmer L. Wilson, General Manager, 33 Rector Street, New York, N.Y. 10006.
Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.
Grancolombiana Line, 79 Pine Street, New York, N.Y. 10005.
Gulf and South American Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.
Linea Amazonica, S.A., c/o Booth American Shipping Corp., General Agent, 17 Battery Place, New York, N.Y. 10004.
Lykes Bros. Steamship Co., Inc., Mr. J. J. Creevy, Vice-President—Administration, 1770 Tchoupitoulas Street, New Orleans, La. 70130.
Mamenic Line, c/o U.S. Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Moore McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Peruvian State Line, c/o T. J. Stevenson & Co., Inc., 80 Broad Street, New York, N.Y. 10004.
Royal Netherlands Steamship Co., 25 Broadway, New York, N.Y. 10004.
Skips A/S Viking Line, c/o Eckert, Thor & Company, Inc., 19 Rector Street, New York, N.Y. 10006.
United Fruit Co., 3 North River, New York, N.Y. 10006.

[F.R. Doc. 69-8060; Filed, July 8, 1969; 8:49 a.m.]

[Docket No. 69-32]

NETHERLANDS-BELGIUM/U.S. NORTH ATLANTIC TRADE

First Supplemental Order

Netherlands-Belgium/U.S. North Atlantic Trade Rate Agreement 9772.

In the Original Order in this proceeding served June 26, 1969, the individual members of the respondent Continental North Atlantic Westbound Freight Conference were not listed as respondents in this proceeding. Therefore, in order to insure proper service and response in this proceeding;

It is ordered, That the parties listed in the attached Supplemental Appendix be made respondents in this proceeding;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and all parties of record to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

SUPPLEMENTAL APPENDIX

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 30 Church Street, New York, N.Y. 10007.
Dart Container Line Co., Ltd., 67 Broad Street, New York, N.Y. 10004.
Holland America Line, Pier 40, North River, New York, N.Y. 10014.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-8061; Filed, July 8, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7241 etc.]

AZTEC OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearings

JUNE 30, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing proceedings, terminating proceedings, marking successor corespondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Nielson Enterprises, Inc., Applicant in Docket No. CI69-712, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-14628 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 410. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-462. Applicant has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by the Long Island Lighting Co. was filed in Docket No. CI69-573, in the matter of the application filed on December 16, 1968, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on June 20, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record;

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69-1012 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. CI68-728.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G-4117, G-7241, G-13103, G-14628, CI64-1498, CI67-316, CI68-728, and CI68-1148 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Dockets Nos. G-16638 and RI60-133 should be severed from the proceedings in Docket No. AR67-1 et al., and should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Nielson Enterprises, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI67-462; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Nielson in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas

Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificate are subject to the following conditions.

(a) The initial rates for sales authorized in Dockets Nos. CI68–728 and CI69–1004 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. CI68–728 and CI69–1004 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(c) Applicants in Dockets Nos. CI69–997 and CI69–1004 shall advise the Commission of any contemplated processing of the gas under the subject contracts.

(d) The certificate issued in Docket No. CI69–997 involving the sale of gas by Horizon Oil & Gas Co. of Texas, to its affiliate, Baca Gas Gathering System, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(e) The initial rate for the sale authorized in Docket No. CI69–573 shall be 16 cents per Mcf at 14.65 p.s.i.a. Applicant shall file three copies of a revised billing statement reflecting the 16-cent rate.

(f) The certificates issued in Dockets Nos. CI69–573 and CI69–792 are conditioned by limiting the buyers' daily take-or-pay obligations to a 1 to 7,300 ratio of takes to reserves.

(F) Docket No. CI69–1012 is canceled.

(G) The orders issuing certificates in Dockets Nos. G–7241, G–13103, CI68–728, and CI68–1148 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The authorization granted in Docket No. G–13103 in paragraph (G) above shall not be construed to relieve Applicant of any refund obligations incurred in the related rate suspension proceedings pending in Dockets Nos. RI67–243, RI68–209, and RI69–379.

(I) The orders issuing certificates in Dockets Nos. G–4117, G–14628, CI64–1498, and CI67–316 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–1016, CI69–712, CI69–766, and CI69–1003, respectively.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The certificates heretofore issued in Dockets Nos. G–13353 and CI68–734 are terminated.

(L) The proceedings pending in Dockets Nos. G–16638 and RI60–133 are severed from the proceedings in Docket No. AR67–1, et al., and are terminated.

(M) Nielson Enterprises, Inc., is made a co-respondent in the proceeding pending in Docket No. RI67–462; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Nielson in said proceeding is accepted for filing.

(N) Nielson Enterprises, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI67–462 shall remain in full force and effect until discharged by the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–7241 ..... C 4-25-69 [1]	Aztec Oil & Gas Co. (Operator) et al.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplemental agreement 4-14-69,[2]	4	27
G–13103 ..... D 2-25-69	Aztec Oil & Gas Co.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	Partial assignment 3-3-69,[3 4]	7	37
CI68–728 ..... (CI69–1012) C 4-28-69 [5]	David Fasken et al.[6]	Natural Gas Pipeline Co. of America, North Indian Basin Morrow Field, Eddy County, N. Mex.	Supplemental agreement 1-1-69,[2]	3	2
CI68–1148 ..... C 4-24-69 [1]	Appalachian Exploration & Development, Inc.	United Fuel Gas Co., Poca District, Putnam County, W. Va.	Supplement 3-12-69 [3]	2	9
CI69–573 ..... A 12-16-68 [1]	Union Producing Co.[7] ...	Natural Gas Pipeline Co. of America, Cavasso Creek Field, Aransas County, Tex.	Contract 11-1-68 [3]	209	.....
CI69–712 ..... (G–14628) F 1-28-69 as amended 3-17-69	Nielson Enterprises, Inc. (successor to Atlantic Richfield Co.).	Northern Natural Gas Co., Mocane Field, Harper County, Okla.	Contract 12-31-57 [3]	6	.....
			Supplemental agreement 1-21-59.	6	1
			Supplemental agreement 9-3-59.	6	2
			Amendment 3-28-67.....	6	3
			Assignment 6-21-68.....	6	4
			Assignment 10-10-68 [8].....	6	5
CI69–766 ..... (CI64–1498) F 2-10-69	International Nuclear Corp (Operator), et al. (successor to Chevron Oil Co., Western Division).	Kansas-Nebraska Natural Gas Co., Inc., Lost Cabin Field, Fremont County, Wyo.	Contract 5-6-54 [10].....	1	.....
			Supplemental agreement 10-5-64.	1	1
			Partial assignment 4-26-68,[10]	1	2
			Assignment 4-26-68 [11].....	1	3
			Assignment 4-26-68 [12].....	1	4
			Assignment 4-2-68 [8 13].....	1	5
CI69–792 ..... A 3-3-69 [1 14]	Buttes Gas & Oil Co. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Pony Creek Field, Fremont County, Wyo.	Contract 11-20-68 [2 10].....	4	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-996 (G-13353) B 4-24-69	Tom Cook, Jr. (Operator) et al.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Notice of cancellation 4-17-69 [1] [2]	[2] 2	4
CI69-997 A 4-24-69 [3]	Horizon Oil & Gas Co. of Texas.	Baca Gas Gathering System, Inc., Flank Field, Baca County, Colo.	Contract 4-17-69 [3]	28	
CI69-998 A 4-24-69 [4]	Texaco, Inc.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 3-21-69 [3]	434	
CI69-1002 (CI68-734) B 4-25-69	Getty Oil Co.	Transcontinental Gas Pipe Line Corp., East Le Blanc Field, Allen Parish, La.	Notice of Cancellation 4-23-69 [4] [2]	159	2
CI69-1003 (CI67-316) F 4-25-69	Getty Oil Co. (successor to Humble Oil & Refining Co.).	Natural Gas Pipeline Co. of America, Nine Mile Point Field, Aransas County, Tex.	Contract 8-15-66 [2] Assignment 12-30-68 [20] Effective date: 12-7-68	173 173	 1
(CI67-316) [21]	Humble Oil & Refining Co.	do	Assignment 12-30-68 [20] Effective date: 12-7-68	406	2
CI69-1004 A 4-25-69	Getty Oil Co. (Operator) et al. [22]	Transwestern Pipeline Co., Henderson Deep Unit, Winkler County, Tex.	Contract 4-8-69 [3]	172	
CI69-1014 A 4-28-69 [4]	Robert C. Armstrong	Northern Natural Gas Co., acreage in Edwards County, Kans.	Contract 3-15-69 [3]	1	
CI69-1016 (G-4117) F 4-22-69 [23]	W. H. Doran, Jr. (successor to Delta Drilling Co., formerly Delta Gulf Drilling Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Alice Field, Jim Wells County, Tex.	Contract 3-18-52 [24] Letter agreement 9-15-54 Supplemental agreement 1-6-54. Letter agreement 7-5-56 Supplemental agreement 6-3-58. Letter agreement 8-7-64 Assignment 12-5-68 [20] Effective date: 12-1-68	4 4 4 4 4 4 4	 1 2 3 4 5 6

[1] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[2] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[3] Due to decline in wellhead pressure gas is not longer able to produce into buyer's gathering system and buyer has reassigned the purchase rights to its parent company, Southern Union Gas Co., for resale in intrastate commerce.
[4] Effective date: Date of this order.
[5] Application erroneously assigned Docket No. CI69-1012 will be treated as a petition to amend the order issuing a certificate in Docket No. CI68-728 and Docket No. CI69-1012 will be canceled.
[6] Applicant has agreed to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A (letter filed concurrently with application).
[7] Contract provides for 17.8 cents per Mcf; however, by letter filed Jan. 10, 1969, Applicant advised willingness to accept a permanent certificate conditioned to 16 cents per Mcf. By letter filed Jan. 30, 1969, Applicant agreed to accept a permanent certificate with a condition limiting the buyer's take-or-pay obligation to a quantity based on a 1 to 7,300 reserves ratio.
[8] On file as Atlantic Richfield Co. (Operator) et al., FPC GRS No. 410.
[9] Effective date: Date of transfer of properties involved.
[10] Between California Oil Co., Western Division and Kansas-Nebraska Natural Gas Co., Inc.; on file as Chevron Oil Co., Western Division FPC GRS No. 6.
[11] Of oil and gas leases by Chevron Oil Co. to Erving Wolf.
[12] Of operating rights by Chevron Oil Co. to Erving Wolf (Lease No. W-043395).
[13] Of operating rights by Chevron Oil Co. to Erving Wolf (Lease No. W-042309).
[14] Of operating rights by Erving Wolf to International Nuclear Corp. et al.
[15] The filing of Mar. 3, 1969 supersedes an application filed Feb. 24, 1969. Applicant requested return of the filing of Feb. 24, 1969.
[16] Provides for average delivery of 5,000 Mcf/well per day or ¾ of each well's delivery capacity, whichever is the lesser, but by telegram filed June 3, 1969, Applicant agreed to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 7,300 reserves ratio.
[17] Source of gas depleted.
[18] Rates of 14.6 cents and 14.8 cents per Mcf suspended in Dockets Nos. G-16638 and RI60-133, respectively, but never made effective; therefore, the rate suspension proceedings pending in said dockets will be terminated.
[19] Between Humble Oil & Refining Co. and Natural Gas Pipe Line Co. of America; on file as Humble Oil & Refining Co. FPC GRS No. 406.
[20] Transfers acreage from Humble Oil & Refining Co to Getty Oil Co.
[21] No certificate filing made or necessary; only the related rate filing is being accepted by this order.
[22] Applicant has agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[23] Application noticed as a complete succession in Docket No. G-4217. Further review of the application reveals that the succession is partial rather than complete; therefore, the application was reassigned Docket No. CI69-1016.
[24] Currently on file as Delta Gulf Drilling Co. et al., FPC GRS No. 2.
[25] Assigns acreage from Delta Drilling Co. to W. H. Doran, Jr., reserving depths below Frio Sand Formation to Delta.

[F.R. Doc. 69-7943; Filed, July 8, 1969; 8:45 a.m.]

[Docket No. G-10571, etc.]

GULF OIL CORP. ET AL.

Findings and Order After Statutory Hearing

JUNE 27, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successor corespondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John A. Hairford, Applicant in Docket No. CI69-939, proposes to continue in part sales of natural gas heretofore authorized in Docket No. CI62-1036 to be made pursuant to Apache Corp. FPC Gas Rate Schedule No. 6. The contract comprising said rate schedule will also be accepted for filing as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI69-168. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.[1] Therefore, he will be made co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on June 26, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore

[1] In his agreement and undertaking Applicant refers to "sales under John A. Hairford FPC Gas Rate Schedule No. 2, which sales were formerly covered by Apache Corporation FPC Gas Rate Schedule No. 6 * * *." Inasmuch as Applicant's rate schedule for the subject sales is designated as his FPC Gas Rate Schedule No. 5, the agreement and undertaking will be construed as being applicable to sales under said rate schedule.

found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed in Docket No. G-13045 on November 7, 1968, should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. G-10571, G-11934, CI62-1036, CI62-1251, CI63-914, CI66-470, CI66-1328, CI67-79, CI67-286, and CI68-1202[3] should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceedings pending in Dockets Nos. RI66-56 and RI66-57 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John A. Hairford should be made co-respondent in the proceeding pending in Docket No. RI69-168, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by him in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas puchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI69-262 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rate, whichever is lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(b) Within 90 days from the date of initial delivery Applicant in Docket No. CI69-262 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(c) Applicant in Docket No. CI69-262 shall advise the Commission of any contemplated processing of the gas under the subject contract.

(d) The certificate in Docket No. CI69-262 is further conditioned by limiting the buyer's daily take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.

(e) Sales authorized in Dockets Nos. CI66-470 and CI69-1021 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(f) Sales authorized in Dockets Nos. CI66-1328 and CI69-954 (Oklahoma "Other" area only) shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1 by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(g) Sales authorized in Dockets Nos. CI69-954 (Oklahoma Panhandle area only) and CI69-960 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. Applicant in Docket No. CI69-960 shall file a revised billing statement to reflect the 17 cents rate.

(h) Sales authorized in Docket No. CI69-894 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement from the

[3] Temporary certificate.

newly dedicated acreage; and 16.015 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI69–36 from acreage acquired from the certificate holder in Docket No. CI62–1251.

(I) The authorizations granted in Dockets Nos. CI66–1328, CI–67–79, and CI69–960 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(F) The application filed in Docket No. G–13045 on November 7, 1968, is dismissed as moot.

(G) The orders issuing certificates in Dockets Nos. G–11934, CI63–914, CI66–470, CI66–1328, CI67–79, CI67–286, and CI68–1202 [2] are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in Dockets Nos. CI62–1036 and CI62–1251 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–939 and CI69–894, respectively.

(I) The order issuing a certificate in Docket No. G–10571 is amended by substituting the successor in interest as certificate holder.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The certificates heretofore issued in Dockets Nos. G–13045, CI60–113, CI60–114, CI61–1246, and CI62–1268 are terminated.

(L) The rate suspension proceedings pending in Dockets Nos. RI66–56 and RI66–57 are terminated.

(M) John A. Hairford is made a corespondent in the proceeding pending in Docket No. RI69–168, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by him in said proceeding [1] is accepted for filing.

(N) John A. Hairford shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by him in said proceeding shall remain in full force and effect until discharged by the Commission.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] Supra.
[1] Supra.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–10571 E 5–5–69	Gulf Oil Corp. (successor to Sparta Oil Co.).	Texas Gas Pipe Line Corp.[1] Fannett Field, Jefferson County, Tex.	Sparta Oil Co., FPC GRS No. 2.	405	
			Supplement No. 1	405	1
			Notice of succession 5–2–69.		
			Assignment 5–1–68 [2]	405	2
			Effective date: 5–1–68		
G–11934 D 5–6–69	Mobil Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Frnka Field, Colorado County, Tex.	Notice of partial cancellation 5–2–69.[3] [4]	28	7
CI63–914 C 4–25–69 [2]	Getty Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 2–26–69.[5]	124	6
CI66–470 C 4–9–69 [2]	Sun Oil Co. (DX Division) (Operator) et al.	Arkansas Louisiana Gas Co. Arkoma Area, Latimer County, Okla.	Amendment 3–3–69	259	12
			Compliance (undated)[6] [7]	259	13
CI66–1328 C 4–9–69 [3]	Sun Oil Co. (DX Division).	Panhandle Eastern Pipe Line Co., acreage in Roger Mills County, Okla.	Amendment 2–20–69	268	6
			Compliance (undated)[6] [8]	268	7
CI67–79 C 9–12–67 [2]	Tenneco Oil Co.[9]	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 8–14–67	207	1
CI67–286 C 5–2–69 [1]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Amendment 3–31–69 [6]	85	5
CI68–1202 [10] D 2–25–69	The Superior Oil Co.	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	Notice of lease termination (undated) [4] [11]	136	2
CI69–262 A 9–12–68	Humble Oil & Refining Co.[12]	Northern Natural Gas Co., West Waha Field, Reeves County, Tex.	Contract 8–26–68	454	
CI69–847 (G–13045) B 3–10–69	Lyons & Logan (Operator) et al.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison County, Tex.	Notice of cancellation 3–5–69.[4] [13]	6	5
A CI69–894 (CI62–1251) F 3–17–69	Jones & Pellow Oil Co. (successor to Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.).	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Contract 1–29–62 [14]	9	
			Amendatory agreement 3–15–63.	9	1
			Assignment 9–10–68 [15]	9	2
			Contract 10–29–68 [16]	9	3
			Assignment 11–13–68 [17]	9	4
			Compliance (undated) [15]	9	5
CI69–939 (CI62–1036) F 4–1–69	John A. Hairford (successor to Apache Corp.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Contract 1–23–62 [18]	5	
			Assignment 12–30–68 [19]	5	1
			Effective date: 12–30–68		
CI69–954 A 4–14–69 [1]	Midwest Oil Corp.	Michigan Wisconsin Pipe Line Co., acreage in Woodward and Major Counties, Okla.	Contract 3–21–67	54	
			Compliance 5–8–69 [4] [21]	54	1
CI69–960 A 4–15–69 [2]	Geo. P. Hill et al.	Panhandle Eastern Pipe Line Co., Elsie Harrison Lease, Texas County, Okla.	Contract 2–5–69 [4] [22]	1	
CI69–1015 A 4–30–69 [2]	Victor P. Smith	United Gas Pipe Line Co., Jackson Field, Hinds County, Miss.	Contract 4–2–69	1	
CI69–1021 A 5–2–69 [2] [23]	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Contract 4–21–69 [1]	452	
CI69–1022 (CI60–113) B 5–2–69	Atlantic Richfield Co.	Transwestern Pipeline Co., Northwest Morse Field, Hansford County, Tex.	Notice of Cancellation 5–1–69.[4] [24]	[25] 484	5
CI69–1023 (CI60–114) B 5–2–69	Atlantic Richfield Co. (Operator), et al.	Transwestern Pipeline Co., East Wilco Field, Hansford County, Tex.	Notice of cancellation 5–1–69.[4] [24]	[26] 485	3
CI69–1025 A 5–2–69 [1]	Glenn Tompkins et al., d.b.a. Blue Knob Gas Co.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 9–30–59 [4] [27]	11	
CI69–1029 (CI61–1246) B 5–5–69	American Natural Gas Production Co. (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	Notice of cancellation 5–2–69.[4] [24]	2	5
CI69–1030 (CI62–1268) B 5–6–69	Sohio Petroleum Co. (Operator), et al.	Coastal States Gas Producing Co., Tiger Field, Duval County, Tex.	Notice of cancellation 5–5–69.[4] [24]	68	3
CI69–1031 A 5–7–69 [2]	Cayman Corp., Ltd.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 4–16–69 [1]	5	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-1033 ..... A 5-6-69 [1]	R. P. Isaacs, d.b.a. Two Mile Drilling Co.	United Fuel Gas Co., Sheridan District, Lincoln County, W. Va.	Contract 11-19-57 [2] ..... Agreement 3-25-59 [3 28]	1 1	 1

[1] Application erroneously shows purchaser as Union Texas Petroleum, a division of Allied Chemical Corp.
[2] Assigns acreage from Sparta Oil Co. to Gulf Oil Corp.
[3] Includes partial release whereby Mobil released certain acreage back to E. J. Gracey et al.
[4] Effective date: Date of this order.
[5] Jan. 1, 1970; moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[6] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[7] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf including tax reimbursement.
[8] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept permanent authorization for the additional acreage conditioned to an initial rate of 15 cents per Mcf including tax reimbursement, subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[9] By letter filed May 21, 1969, Applicant expressed willingness to accept permanent authorization for the additional acreage subject to the ultimate disposition of the proceeding in Docket No. R-338.
[10] Temporary certificate.
[11] Additional leases deleted by letters of Mar. 12, 1969 and Apr. 11, 1969, all were terminated for lack of production.
[12] By letter filed Mar. 21, 1969, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[13] Well stopped producing in commercial quantities and was was reclassified as an oil well.
[14] Also on file as Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al., FPC GRS No. 10.
[15] From Texas Pacific Oil Co., to R. J. Schumacher, effective as of Aug. 27, 1968.
[16] Ratifies Jan. 22, 1962 contract. Covers Applicant's interests in Lowery No. 1 Well, sec. 24, T. 7 N., R. 23 E., including one-half of NW¼ which was not previously dedicated.
[17] From R. J. Schumacher to Jones & Pellow Oil Co., effective as of Aug. 27, 1968.
[18] Accepts conditioned temporary certificate issued May 2, 1969; advises of willingness to accept a permanent certificate conditioned to 15 cents for the initial service. (Jan. 1, 1970, moratorium applicable to newly dedicated acreage only.)
[19] Between Apache Corp. and Cities Service Gas Co.; also on file as Apache Corp. FPC GRS No. 6.
[20] Assigns interest from Apache Corp. to Applicant.
[21] Complies with temporary certificate issued May 2, 1969; Applicant states willingness to accept a permanent certificate conditioned to initial rates of 17 cents (Panhandle area) and 15 cents (Oklahoma "Other" area), both including tax reimbursement and subject to B.t.u. adjustment.
[22] Contract rate is 18 cents per Mcf adjusted for B.t.u. content. Applicant by letter filed May 8, 1969, stated willingness to accept a permanent certificate at 17 cents subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[23] Although the contractual rate is 16 cents, Applicant has indicated in its certificate application willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf.
[24] Source of gas depleted.
[25] Proposed rate increase to 19.5 cents currently suspended in Docket No. RI66-57 and never placed in effect; therefore, the rate suspension proceeding pending in Docket No. RI66-57 will be terminated.
[26] Proposed rate increase to 19.5 cents currently suspended in Docket No. RI66-56 and never placed in effect; therefore, the rate suspension proceeding pending in Docket No. RI66-56 will be terminated.
[27] Sale being made without prior Commission authorization.
[28] Instrument whereby R. P. Isaacs acquired interest in properties involved.

[F.R. Doc. 69-7944; Filed, July 8, 1969; 8:45 a.m.]

[Docket No. CP69-348]

EL PASO NATURAL GAS CO. Application for Certificate of Public Convenience and Necessity

JULY 1, 1969.

Take notice that on June 24, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in docket No. CP69-348 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 mainline facility additions and the sale and delivery of an additional firm daily quantity of gas to Southern California Gas Co. and Southern Counties Gas Company of California, 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 an additional 51,840 mainline compressor horsepower, approximately 85.1 miles of 30-inch O.D. loop pipeline, minor metering facilities and authorization for the installation and operation of auxiliary facilities at various mainline compressor stations. Applicant states facilities will be required to increase daily design mainline delivery capacity, which increase will be utilized in rendering the proposed additional sales.

Total estimated cost of the project is $34,795,165, which will be initially financed through the use of working funds supplemented as necessary by short term borrowing.

The additional sales and delivery are proposed to be made in accordance with and at rates contained in Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1. Additional deliveries will be accomplished through acceleration of production from existing sources and consequently no new supplies are involved.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-8001; Filed, July 8, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-7999, Federal Deposit Insurance Corporation, *supra*.

NORTHEASTERN BANKSHARE ASSOCIATION

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 Northeastern Bankshare Association, which is a bank holding company located in Lewiston, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of Westbrook Trust Co., Westbrook, Maine.

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 cosolidation 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 Boston.

Dated at Washington, D.C., this 1st day of July, 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8004; Filed, July 8, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3143-7-3152]

ASTRODATA, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Astrodata, Inc., file No. 7-3143; Cinerama, Inc., file No. 7-3144; Compudyne Corp., file No. 7-3145; Husky Oil, Ltd., file No. 7-3146; Income & Capital Shares, Inc., file No. 7-3147; The Japan Fund, Inc., file No. 7-3148; Leverage Fund of Boston, Inc., file No. 7-3149; Louisiana Land and Exploration Co., file No. 7-3150; Natomas Co., file No. 7-3151; Nytronics, Inc., file No. 7-3152.

Upon receipt of a request, on or before July 17, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8028; Filed, July 8, 1969; 8:47 a.m.]

[File No. 7-3153]

AVCO CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1969.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Avco Corp. Warrants (expiring Nov. 30, 1978), file No. 7-3153.

Upon receipt of a request, on or before July 17, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8029; Filed, July 8, 1969; 8:47 a.m.]

R. HOE & CO., INC.

Order Suspending Trading

JULY 2, 1969.

The common stock, $1 par value, and the $1 cumulative class A stock, $2.50 par value of R. Hoe & Co., Inc., a New York corporation, being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of R. Hoe & Co., Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, than trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1969, 2 p.m., (e.d.t.) through July 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8030; Filed, July 8, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0224]

BUFFALO SMALL BUSINESS INVESTMENT CORP.

Notice of Surrender of License

Notice is hereby given that pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), Buffalo Small Business Investment Corp. (Buffalo), 120 Delaware Avenue, Buffalo, N.Y. 14202, has surrendered its license to operate as a small business investment company.

Buffalo, a New York corporation organized and chartered solely for the purposes of operating under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), was licensed by the Small Business Administration (SBA) on December 7, 1962, License No. 02/02-0224.

The license surrender is pursuant to a certain reorganization Agreement and Plan (the Plan) entered into between Buffalo and Coburn Corporation of America (Coburn).

Notice of the Plan was published by the Small Business Administration (SBA) on March 14, 1969, in the FEDERAL REGISTER (34 F.R. 5279).

The transactions contemplated by the Plan having been consummated, the surrender by Buffalo of its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended, is hereby approved and accepted by SBA.

Dated: June 26, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8013; Filed, July 8, 1969; 8:46 a.m.]

HEMISPHERE CAPITAL CORP.

Notice of Issuance of License

On March 14, 1969, a notice was published in the FEDERAL REGISTER, 34 F.R. 5279, stating that an application for a license to operate as a small business investment company had been filed with the Small Business Administration (SBA) by Hemisphere Capital Corp., 120 Delaware Avenue, Buffalo, N.Y. 14202, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326).

Interested parties were given until the close of business March 24, 1969, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information and facts with regard thereto, SBA issued License No. 02/02-0271 to Hemisphere Capital Corp., on May 29, 1969, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: June 26, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8014; Filed, July 8, 1969; 8:46 a.m.]

[License 12-0006]

NEW CAPITAL FOR SMALL BUSINESSES, INC.

Surrender of License

New Capital for Small Businesses, Inc., a California corporation, having its principal place of business located at 235 Montgomery Street, San Francisco, Calif. 94104, was licensed by the Small Business Administration as a small business investment company on December 1, 1960.

On June 16, 1967, a complaint, Civil No. 47254, was filed on behalf of SBA against New Capital for Small Businesses, Inc., in the U.S. District Court, Northern District of California. A Stipulation for Judgment in the amount of $240,024.99, was entered on February 20, 1969. On May 8, 1969, after satisfaction of judgment, New Capital for Small Businesses, Inc., surrendered its license to SBA.

In view of the foregoing, notice is hereby given that the surrender of license by New Capital for Small Businesses, Inc., is hereby approved and accepted, and New Capital for Small Businesses, Inc., is no longer licensed to operate as a small business investment company.

Dated: June 26, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-8015; Filed, July 8, 1969; 8:46 a.m.]

TARIFF COMMISSION

[TEA-I-15]

GLASS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on June 27, 1969, of a petition filed by the American-Saint Gobain Corp., of Kinsport, Tenn., the Libbey-Owens-Ford Co., of Toledo, Ohio, the Mississippi Glass Co., of St. Louis, Mo., and the PPG Industries, Inc., of Pittsburgh, Pa., the U.S. Tariff Commission, on the 2d day of July 1969, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether glass of the kinds provided for in items 541.11-.31, 542.11-.98, 543.11-.69, and 544.31-.32 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t. on October 14, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office in the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8036; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-Ex-6]

CERTAIN FLAT GLASS

Notice of Investigation and Hearing Into Probable Effect of Termination of Increased Tariffs

Investigation instituted. On June 27, 1969, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to flat glass of the kinds described in items 923.31-.35 and 923.71-.75 in part 2A of the Appendix to the Tariff Schedules of the United States.

Increased rates of duty were imposed by Presidential proclamation upon imports of certain flat glass in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. On January 11, 1967, the President, pursuant to the provisions of section 351(c)(1)(A) of the Trade Expansion Act, terminated certain of these increased rates and reduced the remainder of them. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the escape-clause rates that remained were to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamation issued pursuant to section 351(c)(2) of the Act, the President extended these rates to the close of December 31, 1969.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of these rates would have on the industry concerned.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., e.d.s.t. on October 14, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-8037; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-14]

PIANOS AND PARTS THEREOF

Notice of Investigation and Hearing

Investigation instituted. Following receipt on June 23, 1969, of a petition filed by the National Piano Manufacturers Association, the U.S. Tariff Commission, on the 2d day of July 1969, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether pianos (including player pianos, whether or not with keyboards), and parts thereof, provided for in items 725.02 and 726.80 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on October 28, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-8038; Filed, July 8, 1969; 8:48 a.m.]

[TEA-I-EX-5]

CERTAIN FLOOR COVERINGS

Notice of Investigation and Hearing Into Probable Effect of Termination of Increased Tariff

Investigation instituted. On June 27, 1969, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to Wilton (including Brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description, of the kinds described in item 922.50 in part 2A of the Appendix to the Tariff Schedules of the United States.

An increased rate of duty was imposed by Presidential proclamation upon imports of the subject floor coverings in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the increased rate was to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamation issued pursuant to section 351(c)(2) of the Act, the President extended the increased rate to the close of December 31, 1969.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of such increased rate of duty would have on the industry concerned.

Public hearing ordered. A public hearing will be held at 10 a.m., e.d.s.t., on August 27, 1969, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 3, 1969.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 69-8039; Filed, July 8, 1969; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF LABOR

Delegation of Authorities Regarding Job Corps

1. Pursuant to section 602(d) of the Economic Opportunity Act, the powers of the Director under Title I, Part A (Job Corps) of the Economic Opportunity Act are hereby delegated to the Secretary of Labor except for the reservations specified herein. The powers of the Director under sections 602 (except 602(d)) and 610-1 of the Economic Opportunity Act are also delegated to the Secretary of Labor to the extent he deems necessary or appropriate for carrying out his functions in exercising his powers under Title I, Part A.

2. a. The personnel, property, and records of and in support of the Job Corps are hereby transferred to the Secretary of Labor, except that officers or employees appointed by the President shall not be transferred.

b. The Secretary of Labor is designated contracting officer in all existing contracts implementing Title I, Part A (Job Corps), except contracts identified in Attachment A, and shall succeed to all rights, duties, and obligations (including auditing responsibilities) of the Director under all other agreements; except that OEO shall retain the responsibility for settling termination claims arising under contracts terminated prior to July 1, 1969.

c. Tort claims, and claims lodged under section 116(b) of the Economic Opportunity Act, arising against the Job Corps prior to July 1, 1969, shall be processed and settled by the Labor Department.

3. The delegated powers may be redelegated by the Secretary to personnel within the Labor Department with or without authority for further delegation.

4. The Director will retain and exercise the following authority:

a. The authority to conduct overall planning (including programing and budgeting operations), and to perform evaluations of the Job Corps program.

b. The exclusive power to make grants or contracts for experimental, experimental research, and demonstration projects as specified in sections 113 (b) and (c) of the Economic Opportunity Act.

5. Further, the delegated and retained powers herein shall be exercised pursuant to such memoranda of understanding as have been or shall be agreed to between the Agencies.

Agreements have been or shall be concluded which create procedures for (a) establishing basic policies, (b) formulating budget and program plans, (c) setting criteria for assessing performance, (d) providing guidelines for conducting evaluations, (e) disposing of property which may no longer be required in connection with the Job Corps program, and (f) approval of experimental, experimental research, and demonstration projects.

6. All operating and budget information, evaluation reports, audits, inspection reports, and other data concerning Title I-A, shall be freely exchanged between the Director and the Secretary, pursuant to sections 602(d) and 633(b) of the Act.

7. This delegation is effective July 1, 1969.

Dated: June 24, 1969.

DONALD RUMSFELD, *Director, Office of Economic Opportunity.*

Approved: June 30, 1969.

RICHARD NIXON, *President of the United States.*

ATTACHMENT A

DELEGATION OF AUTHORITIES TO THE SECRETARY OF LABOR

Contract No.	Contractor	Product or services	Amount of contract
4482	State of Maryland	Job Corps Skill Center in Baltimore	$2,748,359
4780	Milwaukee Public Schools	Milwaukee School System Coordination Feasibility Study.	9,112
4773	Seattle Public Schools	Model Program—Career Planning Center	286,299

[F.R. Doc. 69-8033; Filed, July 8, 1969; 8:47 a.m.]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authorities Regarding Project Headstart

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereafter "the Secretary") the powers vested in me by section 222(a)(1) of the Act (Project Headstart).

2. I further delegate to the Secretary subject to the terms of the Memorandum of Understanding referred to in paragraph 5 below those powers under sections 222(b) (except the power to conduct research), 225(c), 230, 231, 233, 241 (except 241(a)(2)), 242, 243, 244 (1), 244(2), 244(7), 602 (except 602(d)), 603(b), 604, 610–1, and 617 of the Act to the extent deemed necessary or appropriate for the performance of functions delegated to him in paragraph 1 above.

3. Resources for Project Headstart shall be included in the OEO budget allocated by OEO to the Secretary. In planning, developing, and allocating the annual budgets and supplementals or amendments thereto, OEO shall consult with the Secretary and obtain his recommendations for requirements. The Secretary shall support and assist OEO in the presentation and justification of the budget to the Bureau of the Budget and the Congress.

4. All operating information, evaluation reports, and other data concerning Project Head Start shall be freely exchanged pursuant to section 602(d) of the Act.

5. The powers delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by HEW and OEO.

6. The powers delegated herein may be redelegated by the Secretary to other officials of HEW with or without authority for further redelegation.

7. This delegation shall take effect on July 1, 1969.

Dated: June 28, 1969.

DONALD RUMSFELD,
Director,
Office of Economic Opportunity.

Approved: June 30, 1969.

RICHARD NIXON,
President of the
United States.

[F.R. Doc. 69–8034; Filed, July 8, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1307]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

Correction

In F.R. Doc. 69–7473, appearing at page 9879, in the issue for Thursday, June 26, 1969, make the following change: On page 9881, in the 18th line of "No. MC 67200 (Sub-No. 34)", the word "and" should read "on".

INTENT TO PERFORM INTERSTATE TRANSPORTATION FOR CERTAIN NONMEMBERS

Availability of Form BOp 102

JULY 1, 1969.

Form BOp 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers under section 203(b)(5) of the Interstate Commerce Act, was prescribed by order of the Commission in Ex Parte No. MC–75 published at 34 F.R. 8117 on May 23, 1969. The order is effective July 7, 1969.

Copies of Form BOp 102 are available at the Commission's Regional and detached offices. The locations of the Commission's Regional and detached offices are listed in 49 CFR Part 1001. Copies of Form BOp 102 are also available from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8044; Filed, July 8, 1969; 8:48 a.m.]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969 [1]

JUNE 9, 1969.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission, pursuant to section 13 and section 15a(2) of the Interstate Commerce Act, to institute an investigation to determine whether intrastate rates, fares, and charges within the State of Mississippi are unreasonably low to the extent that they do not reflect the general increase authorized in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 (1968), 332 I.C.C. 714 (1969). The petitioners are: The Alabama Great Southern Railroad Co.; Bonhomie and Hattiesburg Southern Railroad Co.; Columbus and Greenville Railway Co.; The Corinth and Counce Railroad Co.; Fernwood, Columbia & Gulf Railroad Co.; Gulf, Mobile and Ohio Railroad Co.; Illinois Central Railroad Co.; Louisville and Nashville Railroad Co.; Meridian & Bigbee Railroad Co.; Mississippi & Skuna Valley Railroad Co.; Mississippi Export Railroad Co.; Missippian Railway; Missouri Pacific Railroad Co.; Pearl River Valley Railroad Co.; St. Louis-San Francisco Railway Co.; and Southern Railway Co.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies each upon the attorneys for the petitioners, *viz.*: John H. Doeringer, 135 East 11th Place, Chicago, Ill. 60605; James L. Howe III, Post Office Box 1808, Washington, D.C. 20013; W. A. Kimbrough, Jr., 104 St. Francis Street, Mobile, Ala. 36602; W. B. Kopper, 906 Olive Street, St. Louis, Mo. 63101; and John F. Smith, 908 West Broadway, Louisville, Ky. 40201. Thereafter a determination will be made as to whether an investigation is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–8045; Filed, July 8, 1969; 8:48 a.m.]

[1] This correction is solely for the purpose of indicating that the interstate increase involved is Ex Parte No. 259 not Ex Parte 256.

[No. MC–C–6433]

NOTICE OF FILING OF PETITION FOR INTERPRETATION OF OPERATING AUTHORITY

JULY 3, 1969.

Petitioner, JOHN J. SHARP, Woodbury Heights, N.J. Petitioner's representative, Theodore Polydoroff, Suite 1100, 1140 Connecticut Avenue NW., Washington, D.C. 20036. By petition filed June 13, 1969, Petitioner seeks interpretation of its presently held authority, and in regard thereto, states, that in MC 125535, issued January 8, 1968, it holds authority as a contract carrier, by motor vehicle, transporting: *Refrigeration and freezing units, machines and equipment and parts and supplies* connected therewith, uncrated (except those which because of size or weight require the use of special equipment or handling), from the plantsite of Hussman Refrigeration, Inc., at Cherry Hill, N.J., to points in Connecticut, Delaware, New Jersey, that part of Maryland on and east of U.S. Highway 15, that part of Pennsylvania on and east of U.S. Highway 219, New York (except points west of New York Highway 14); and the District of Columbia; and *Damaged and defective equipment* described above, from the above-specified destination points to the plantsite of Hussman Refrigeration, Inc., at Cherry Hill, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hussman Refrigeration, Inc., of Cherry Hill, N.J. Petitioner states that following the issuance of its permit it has been performing a continuous transportation service for Hussman Refrigerator Co., and pursuant to his authority Petitioner has been transporting refrigeration and freezing units, machines, and equipment and also *shelves, bins, display cases, and counters.* The transportation of these items has been performed under the interpretation that the phrase "equipment, and parts and supplies connected therewith," as set out in the permit, embraces the above described commodities. Petitioner further states

the question of whether its present permit authorized him to transport shelves, bins, counters, and display cases has now been informally raised, and it is for this reason that the instant petition has been filed. Any interested person desiring to participate may file an original and seven copies of his written representations, views or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8046; Filed, July 8, 1969; 8:48 a.m.]

[Notice 558]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 3, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 522) (Cancels Deviations Nos. 260 and 385), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Correction: Deviation No. 522, filed May 29, 1969, should be corrected to describe Route (2) of the deviation proposal as follows: (2) from West Jerome Junction over Interstate Highway 80N to junction U.S. Highway 93 (North Twin Falls Junction). The original notice published in the FEDERAL REGISTER on June 11, 1969, incorrectly concludes Route (2) with West Twin Falls Junction rather than *North* Twin Falls Junction.

No. MC 1515 (Deviation No. 524) (Cancels Deviation No. 344), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Correction: Deviation No. 524, filed June 6, 1969, should be corrected to describe Route (3) of the deviation proposal as follows: (3) from Bellingham over Interstate Highway 5 to junction unnumbered highway (Alger Junction), thence over unnumbered highway to Alger. The original notice published in the FEDERAL REGISTER on June 18, 1969, inadvertently omitted a portion of the described route.

By the Commission.

[SEAL] ANDREW ANTHONY Jr.,
Acting Secretary.

[F.R. Doc. 69-8047; Filed, July 8, 1969; 8:48 a.m.]

[Notice 1310]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 3, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

NO. MC 20802 (Sub-No. 5) (republication), filed September 30, 1968, published in FEDERAL REGISTER issues of October 17, 1968, and November 21, 1968, and republished this issue: Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. By application filed September 30, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, transporting heavy machinery and general commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading, (a) between Barcelona, N.Y., and Salamanca, N.Y., (1) over New York Highway 17 to Salamanca serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as intermediate points; and (2) from Barcelona over New York Highway 17 to Mayville, N.Y., thence over New York Highway 17J to Jamestown, N.Y., thence over New York Highway 17 to Salamanca, serving Asheville, Blockville, Clymer, Findley, Lake, North Clymer, Panama, Sherman, and Stedman, N.Y. as off-route points; and (3) return over these routes to Barcelona; (B) between Gowanda, N.Y., and the intersection of U.S. Highway 20, over New York Highway 62, serving all intermediate points, and (C) between Dunkirk, N.Y. and Olean, N.Y., from Dunkirk over New York Highway 39 to Forestville, N.Y., thence over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Conewango Valley, N.Y., thence over New York Highway 62 to junction of unnumbered highway, thence over unnumbered highway by way of East Leon, N.Y., to junction New York Highway 353, thence over New York Highway 353 to Salamanca, N.Y., and thence over New York Highway 17 to Olean and return over the same route, serving all intermediate points and serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as off-route points. Applicant intends to tack at Barcelona, Dunkirk, and Gowanda, N.Y., to serve the proposed territory in conjunction with applicant's present authority between and including Barcelona and Buffalo, N.Y.

An order of the Commission Operating Rights Board, dated May 23, 1969, and served June 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over regular routes, transporting *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (A) between Jamestown, N.Y., and Salamanca, N.Y., over New York Highway 17, serving Randolph as an intermediate point, and serving Ashville, Blockville, Panama, and Sherman, N.Y., as off-route points; (B) between Gowanda, N.Y., and the junction of U.S. Highway 20, and New York Highway 62, over New York Highway 62, serving all intermediate points; (C) between Forestville, N.Y.; and Balcom, N.Y., from Forestville over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Balcom, and return over the same route; (D) between East Leon, N.Y., and Little Valley, N.Y., from East Leon over unnumbered highway to junction New York Highway 353, thence over New York Highway 353 to Little Valley, and return over the same route, serving all intermediate points, and serving Ellicottville and West Valley, N.Y., as off-route points in connection with applicant's-existing regular-route operations; and (E) serving Mayville, Chatauqua, Lakewood, Dewittville, and Stow, N.Y., as intermediate points on applicant's existing regular routes between Barcelona and Jamestown, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and

would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10524. Authority sought for control and merger by RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, of the operating rights and property of ILLINOIS RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, and for acquisition by JOHN RUAN, also of Des Moines, Iowa, of control of such rights and property through the transaction. Applicants' attorney: Henry L. Fabritz, Post Office Box 855, Des Moines, Iowa 50304. Operating rights sought to be controlled and merged: *Refined petroleum products*, in bulk, as a *common carrier* over irregular routes, from Wood River, Ill., to certain specified points in Missouri; *petroleum products*, in bulk, in tank vehicles, from Wood River, Ill., to certain specified points in Missouri; *ammonium sulfide aqua solution*, in bulk, in tank vehicles, from Hartford, Ill., to Fredericktown, Mo. RUAN TRANSPORT CORPORATION is authorized to operate as a *common carrier* in all points in the United States except Washington, Oregon, Alaska, Hawaii, Nevada, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: Petition for Modification in No. MC-107496 Sub-No. 83 has been concurrently filed.

No. MC-F-10525. Authority sought for control and merger by SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, of the operating rights and property of LESTER FREIGHT LINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, and for acquisition by GEORGE A. BROWNING, JR., also of Portland, Oreg., of control of such rights and property through the transaction. Applicants' attorney: Kenneth G. Thomas, 1321 Southeast Water Avenue, Portland, Oreg. 97214. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier*, over regular routes, from Portland, Oreg., to Hood River, Oreg., serving all intermediate and off-route points within 5 miles of U.S. Highway 30 east of Cascade Locks, Oreg., between Goldendale, Wash., and Hood River, Oreg., serving all intermediate and off-route points within 5 miles of the specified highways, between Maryhill, Wash., and The Dalles, Oreg., serving all intermediate and off-route points within 5 miles of U.S. Highway 197, between junction U.S. Highways 197 and 830, and Hood River, Oreg., serving all intermediate and off-route points within 5 miles of the specified highways, with restriction; *general commodities*, except those of unusual value, and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Portland, Oreg., and Parkdale, Oreg., serving certain intermediate and off-route points; *general commodities*, excepting among others, household goods and commodities in bulk, between Portland, Oreg., and Bingen, Wash., serving intermediate points on U.S. Highway 830 within 15 miles of Bingen, and off-route points in Washington within 15 miles of Bingen, with exceptions, over one alternate route for operating convenience only; between Hood River, Oreg., and Parkdale, Oreg., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Skamania and Klickitat Counties, Wash., with exceptions; *fresh fruits and vegetables*, from points in Washington within 15 miles of Bingen, Wash., on the one hand, and, on the other, points in Oregon within 30 miles of Portland, Oreg.; *fruit*, from points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197 to Vancouver, Wash., with restrictions; *paper products*, from Camas, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197, with restrictions; *box shooks*, from Vancouver and Bingen, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of U.S. Highway 197, with restrictions; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between points in Hood River County, Oreg., on the one hand, and, on the other, points in Klickitat County, Wash., between certain specified points in Oregon, on the one hand, and, on the other, points in Klickitat and Skamania Counties, Wash., with restriction; *fruit*, from points in Hood River County, Oreg., and those in Klickitat County, Wash., to Portland, Oreg., with restriction; *agricultural commodities*, from certain specified points in Oregon, to Portland, Oreg., with restriction; *petroleum products*, in containers, *fuel, merchandise, farm machinery, salt, bags*, and *twine*, from Portland, Oreg., to certain specified points in Oregon, with restriction; and *fresh fruits and vegetables, fruit-spraying compounds, machinery and machines used in fruit-packing plants, fruit-packing house and cannery waste and byproducts, empty containers*, and *box shook* and *box tops*, between points in Wasco and Hood River Counties, Oreg., on the one hand, and, on the other, points in Yakima County, Wash., with restriction. SITES SILVER WHEEL FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10528. Authority sought for control and merger by MORRISON MOTOR FREIGHT, INC., 100 East Jenkins Boulevard, Akron, Ohio 44306, of the operating rights and property of RAZ DELIVERY, INC., 25 Ackerman Street, Rochester, N.Y. 14609, and for acquisition by MARMAC INSURANCE AGENCY, INC., and in turn by HELKEN, INC., and K. C. HEFFRON, all of 135 South La Salle Street, Chicago, Ill. 60603, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: Under a certificate of registration, in docket No. MC-99470 Sub 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York; and *general commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Schenectady, N.Y., and Albany, N.Y., serving the intermediate point of Troy, N.Y. MORRISON MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Kansas, Missouri, Indiana, Pennsylvania, Illinois, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10529. Authority sought for purchase by MID-AMERICAN LINES, INC., 900 North Indiana Avenue, Kansas City, Mo. 64120, of the operating rights and property of FIVE J MOTOR SERVICE, INC., 2000 West 43d Street, Chicago, Ill. 60609, and for acquisition by LEROY WOLFE and HELEN D. WOLFE, both of 4303 Homestead Drive, Prairie Village, Kans., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC-121407 Sub 1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Michigan, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-5888 Sub-30 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC-F-10526. Authority sought for control by GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill.

60606, of (1) OKLAHOMA TRANSPORTATION COMPANY, (2) MID-CONTINENT COACHES, INC., and (3) SOUTHWEST COACHES, INC., all of 1206 Exchange Avenue, Oklahoma City, Okla., and for acquisition by THE GREYHOUND CORPORATION, also of Chicago, Ill., of control of OKLAHOMA TRANSPORTATION COMPANY, MID-CONTINENT COACHES, INC., and SOUTHWEST COACHES, INC., through the acquisition by GREYHOUND LINES, INC. Applicant's attorney: Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Oklahoma points, serving all intermediate points, between Lawton, Okla., and the Fort Sill Military Reservation, Okla., serving no intermediate points, between Oklahoma City, Okla., and Fort Smith, Ark., between Oklahoma City, Okla., and Wichita Falls, Tex., serving all intermediate points; and passengers and their baggage, and express in the same vehicle with passengers, between junction Oklahoma Highways 3 and 9, approximately 1 mile northwest of Seminole, Okla., and junction Oklahoma Highway 9 and U.S. Highway 271, approximately 3 miles west of Spiro, Okla., serving all intermediate points, with restriction; (2) passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Woodward, Okla., and Seiling, Okla., between Woodward, Okla., and Dodge City, Kans., between Kingfisher, Okla., and Seiling, Okla., between Oklahoma City, Okla., and junction U.S. Highways 64 and 81, near Ford Creek, Okla., between Oklahoma City, Okla., and junction Oklahoma Highway 3 and U.S. Highway 81 near Orarche, Okla., between Liberal, Kans., and junction U.S. Highways 64 and 81, between Oklahoma City, Okla., and Altus, Okla., between El Reno, Okla., and Union City, Okla., between Cyril, Okla., and Lawton, Okla., between Apache, Okla., and junction U.S. Highways 281 and 66, between junction Oklahoma Highways 5 and 36, and Wichita Falls, Tex., between junction Oklahoma Highways 5 and 36, and Lawton, Okla., serving all intermediate points, between Altus, Okla., and Childress, Tex.; serving Altus and all intermediate points between Altus, and Hollis, Okla., restricted against the transportation of newspapers, and all intermediate points between Hollis and junction U.S. Highways 62 and 83, inclusive, without restriction, between Vernon, Tex., and Hobart, Okla., serving all intermediate points, between El Reno, Okla., and Watonga, Okla., serving certain intermediate points between junction Oklahoma Highway 58 and U.S. Highway 270 and junction Oklahoma Highway 51 and U.S. Highway 270; serving the intermediate points of Eagle City, and Canton, Okla., between Hinton Junction, Okla. (at the intersection of U.S. Highways 281 and 66), and Geary Junction, Okla. (approximately 6 miles south of Geary, Okla.), serving no intermediate points; over one alternate route for operating convenience only; and passengers and their baggage, and express in the same vehicle with passengers, between Garden City, Kans., and Liberal, Kans., serving all intermediate points, and the off-route point of Sublette, Kans.; and (3) passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Wichita Falls, Tex., and Abilene, Tex., between Haskell, Tex., and Knox City, Tex., between Munday, Tex., and Knox City, Tex., serving all intermediate points. GREYHOUND LINES, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicant requests that this application be consolidated with MC-F-10455 (MISSOURI, KANSAS & OKLAHOMA COACH LINES, INC.,— CONTROL— OKLAHOMA TRANSPORTATION CO., ET AL), published in the April 30, 1969, issue of the FEDERAL REGISTER, on page 7110.

No. MC-F-10527. Authority sought for purchase by CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., 1503 Post Road, Milford, Conn., of a portion of the operating rights of THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 667 Cromwell Ave., Rocky Hill, Conn., and for acquisition by ARTHUR BERNACCHIA, 39 Farrell Place, Yonkers, N.Y., and GEORGE BERNACCHIA, 176 Douglas Ave., Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021, and Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, and baggage of passengers in separate vehicles, as a *common carrier*, over regular routes, between New Haven, Conn., and Hartford, Conn., serving all intermediate points, with restriction; passengers and their baggage, when moving in the same vehicle with passengers, in special round trip operations, over irregular routes, beginning and ending at Middletown (Middlesex County), Southington, Bristol, and New Britain (Hartford County), Meriden and Wallingford (New Haven County), Conn., and extending to the sites of Lincoln Downs Race Track, Lincoln, R.I., Narragansett Park Race Track, Pawtucket, R.I., Suffolk Downs Race Track, Revere, Mass., Rockingham Park Race Track, Salem, N.H., and Pownal Race Track, Pownal, Vt., beginning and ending at Southington, Bristol, and New Britain (Hartford County), Conn., and extending to the sites of Aqueduct Race Track, Queens County, Long Island, N.Y., Roosevelt Race Track, Nassau County, Long Island, N.Y., and Empire Race Track in Yonkers, Westchester County, N.Y.; and passengers and their baggage, in special operations, in seasonal operations, annually, from May 15 through September 15, inclusive, between points on carrier's authorized regular routes between Hartford and New Haven, Conn., on the one hand, and, on the other, Misquamicut Beach, R.I., with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: This application is filed pursuant to order in MC-F-71029, by Motor Carrier Board, dated May 15, 1969.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8048; Filed, July 8, 1969; 8:48 a.m.]

[Notice 863]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 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 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 protests 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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 138 TA) (Correction), filed June 18, 1969, published FEDERAL REGISTER, issue of June 26, 1969, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nichols, Wis., to Green Bay, Wis., for 180 days. NOTE: Applicant intends to tack MC 51146 Sub No. 8 and Sub No. 14 at Green Bay, Wis., and interline at Green Bay, Wis., with motor carriers serving the West Coast. The purpose of this republication is to include the supporting shipper, which was inadvertently omitted.

Supporting shipper: Nichols Paper Products Co., 615 Willow Street, Green Bay, Wis. (Donald L. Albers, purchasing agent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82063 (Sub-No. 26 TA), filed June 30, 1969. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda and antifreeze*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Colorado, Iowa, Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: The Dow Chemical Co., 10 South Brentwood Boulevard, St. Louis, Mo. 63105. Attention: F. W. Monahan, distribution manager, Central Region. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 87717 (Sub-No. 5 TA), filed June 27, 1969. Applicant: FANELLI BROTHERS TRUCKING COMPANY, Centre and Nichols Streets, Pottsville, Pa., 17901. Applicant's representative: S. Berne Smith, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps for beverage containers*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Zapata Industries, Post Office Box 2, Franckville, Pa. 17931. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 110525 (Sub-No. 919 TA), filed June 30, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Robert K. Maslin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Philadelphia, Pa., to Lakeland, Fla., for 150 days. Supporting shipper: Continental Distilling Corp., 1429 Walnut Street, Philadelphia, Pa. 19102. Send protests to: Peter R. Guman, district supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114408 (Sub-No. 9 TA) (Correction), filed June 18, 1969, published FEDERAL REGISTER issue of June 26, 1969, and republished as corrected this issue. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, in dump vehicles, from points in Williams County, Ohio, to points in Hillsdale County, Mich., for 180 days. Supporting shipper: Northwest Materials, Inc., Bryan, Ohio. NOTE: The purpose of this republication is to show "contract" carrier in lieu of "common" carrier. Send protests to: Keith D. Warner, district supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124796 (Sub-No. 48 TA), filed June 23, 1969. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, water heaters, and component parts, machinery and accessories* used in connection therewith; (a) from City of Industry, Calif., to Memphis and Morrison, Tenn.; (b) from Collierville, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and *returned shipments, materials, equipment and supplies* used in the manufacture and distribution of air conditioning equipment, furnaces and water heaters, in the reverse direction, for 150 days. Supporting shipper: Day and Night Manufacturing Co., 855 Anaheim-Puente Road, La Puente, Calif. 91747. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133725 (Sub-No. 1 TA) (Correction), filed June 13, 1969, published FEDERAL REGISTER issue of June 28, 1969, and republished as corrected this issue. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and material* used in the installation of such commodities from Roselle Park, N.J., to Philadelphia, Pa.; New York, N.Y.; points in Nassau and Suffolk Counties, N.Y., points in Massachusetts, Rhode Island, Connecticut, Delaware, and those in Maryland on and east of Highway 15 (except Baltimore, Md.), for 120 days. NOTE: The purpose of this republication is to add the destination points of Massachusetts and Rhode Island, inadvertently omitted from publication. Supporting shipper: Midas International Corp., 410 West Westfield Ave., Roselle Park, N.J. 07204. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133779 TA (Correction), filed June 5, 1969, published FEDERAL REGISTER issue of June 12, 1969, and republished as corrected this issue. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell Street, Lovelock, Nev. 89419. Applicant's representative: Pete Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); also *earth*, diatomaceous, physically combined with, not to exceed 10 percent alkyl naphthalene sodium sulfonate; also *wood pulp, sulphite*, from Colado Junction (6 miles east of Lovelock, Nev.), Nev., to points in San Luis Obispo, Kings, Fresno, Tulare, Inyo, Mono, Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, and Santa Barbara, Calif., for 180 days. NOTE: The purpose of this republication is to add the destination counties of Los Angeles, Ventura, and Santa Barbara, Calif. Supporting shipper: Eagle Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: District Supervisor Daniel Augustine, Room 24, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133840 TA, filed June 26, 1969. Applicant: TROY L. SMITH, doing business as TROY L. SMITH TRUCKING COMPANY, 2228 South Santa Fe, Post Office Box 94788, Oklahoma City, Okla. 73109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and cheese*, in bulk, packages, and containers, (1) from Chillicothe, Emma, Kansas City, Mansfield, Seneca, and Springfield, Mo.; Enid, Mangum, Oklahoma City, and Tulsa, Okla.; and Arkansas City, Hillsboro, Kansas City, and Ottawa, Kans.; to points in Arizona; New Mexico; Amarillo, El Paso, and Wichita Falls, Tex.; and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif.; and (2) from Fort Worth, Tex., to points in Arizona; New Mexico; and San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., for 180 days. Supporting shipper: C. M. Sorensen, division manager, Wilsey, Bennett Co.,

3949 Northwest 36th Street, Oklahoma City, Okla. 73112. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 133847 TA, filed June 30, 1969. Applicant: NEWPORT TRUCKING CO., Post Office Box 238, Newport, Tenn. 37821. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (1) from the plantsite and storage facilities of the New Line Corp., at or near Newport, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in all States east thereof, (2) from the plants and storage facilities of Kroehler Manufacturing Co., at or near the following points: Napersville and Kankakee, Ill.; Cleveland, Ohio; Binghamton, N.Y.; Charlotte, N.C.; Pontotoc, Miss.; Owensboro, Ky.; Thomasville and Lexington, N.C.; Dallas, Tex.; Meridian, Miss.; Shreveport, La.; Welcome, N.C., and Xenia, Ohio, to the plantsite and storage facilities of the New Line Corp., at or near Newport, Tenn., on return, for 180 days. NOTE: Applicant has no other authority held. Supporting shipper: The New Line Corp., Post Office Box 507, Newport, Tenn. 37821. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 133722 (Sub-No. 1 TA), filed June 30, 1969. Applicant: PAUL LAWRENCE DRUMMOND, Rural Delivery, Parksley, Va. 23421. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Salisbury, Md., and points in Virginia as far South as Cheriton, Va., on the Eastern Shore, for 180 days. Supporting shipper: Perdue Foods, Inc., Post Office Box 1537, Salisbury, Md. 21801; Donald W. Mabe, plant manager. Send protests to: Paul J. Lowry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8049; Filed, July 8, 1969; 8:49 a.m.]

[Notice 372]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-71110. By order of June 25, 1969, the Motor Carrier Board approved the transfer to Mitchell Transportation, Inc., Warren, Ark., of the operating rights in certificates Nos. MC-125227 (Sub-No. 1) and MC-125227 (Sub-No. 2), issued June 29, 1965, and February 28, 1964, respectively, to Record Truck Line, Inc., Henderson, Tenn., authorizing the transportation over irregular routes, of lumber from various points in Arkansas to points in North Carolina, South Carolina, Mississippi, Missouri, Texas, Oklahoma, Kansas, Tennessee, and Louisiana, from Greenville, Miss. to points in Bradley County Ark., and between points in Bradley County, Ark., on the one hand, and, on the other, points in Louisiana; and parts of Sawmill, Dry-kiln, and planing-mill machinery between points in Bradley County, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Texas, and Tennessee. R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC-FC-71274. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Berline Matthews, Malden, Mo., of the operating rights in certificate No. MC-125527 issued August 10, 1964, to Charles Stanley, Malden, Mo., authorizing the transportation of fertilizer from Walnut Ridge, Ark., to Malden, Mo. Gordon Fritz, 112 East Main Street, Post Office Box 337, Malden, Mo. 63863, attorney for applicants.

No. MC-FC-71415. By order of June 25, 1969, the Motor Carrier Board approved the transfer to Robert A. Brinker, Inc., Iselin, N.J., that portion of certificate No. MC-45630, issued May 26, 1969, to Osar Trucking Co., Inc., Clifton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Clifton and Caldwell, N.J., on the one hand, and, on the other, New Brunswick, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71448. By order of June 26, 1969, the Motor Carrier Board approved the transfer to John Koenig and Robert Koenig, doing business as Koenig Trucking, Fairfax, S. Dak., of the certificate in No. MC-128989, issued October 25, 1968, to Robert M. Schmitz and William A. Schmitz, doing business as Bonesteel Transfer, Bonesteel, S. Dak., authorizing the transportation of specified commodities from South Sioux City, Nebr., and Sioux City, Iowa, to Gregory, Charles Mix, and Tripp Counties, S. Dak. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078, attorney for applicants.

No. MC-FC-71451. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Paul Langrehr and Timothy J. Durfos, a partnership, doing business as D & L Trucking, Fair Lawn, N.J., of permit No. MC-116075, issued July 18, 1962, to Samuel E. Nutile, doing business as Nu-Ray Trucking Co., Hawthorne, N.J., authorizing the transportation of: Used baking pans, between Fair Lawn, N.J., on the one hand, and, on the other, points in Rhode Island and Massachusetts, and points in a described portion of Maine, New Hampshire, Vermont, and New York, over specified highways, limited to a transportation service to be performed under a continuing contract, or contracts, with Ekco Products Co.; and between Fair Lawn, N.J., on the one hand, and, on the other, points in Connecticut and New Jersey, and points in a described portion of New York and Pennsylvania, over specified highways. Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-71458. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Joe Brawley Trucking, Inc., Statesville, N.C., of permit No. MC-129401 (Sub-No. 1) issued November 15, 1968, to Joe R. Brawley, doing business as Brawley Transportation Co., Statesville, N.C., authorizing the transportation of: Thermoplastic materials, compounds, and products, between specified points in North Carolina, California, Georgia, Illinois, Indiana, Maryland, Minnesota, Nebraska, New York, Pennsylvania, and from Statesville, N.C., to points in the United States, except Alaska and Hawaii. H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8050; Filed, July 8, 1969; 8:49 a.m.]

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