FEDERAL REGISTER

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Pages 10637–10721

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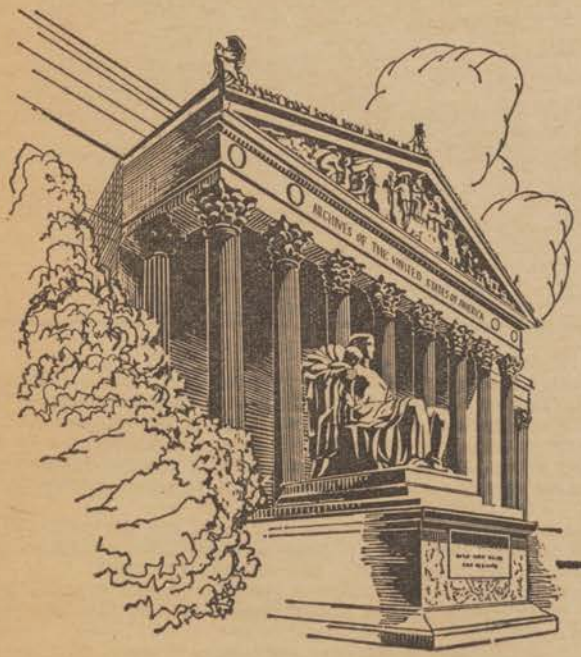

Volume 82

UNITED STATES STATUTES AT LARGE

[90th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1968, reorganization plans, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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

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Title 3—THE PRESIDENT

Proclamation 3991

NATIONAL HIGHWAY WEEK, 1970

By the President of the United States of America

A Proclamation

The Interstate System of highways, frequently called the greatest public works program in mankind's history, was begun in 1956 and over 70 percent of the mileage is now open to traffic. Interstate will criss-cross the country from north to south and east to west and will provide safe and fast highway transportation to every section of the nation.

This system is the product of a unique Federal-State partnership in roadbuilding—a partnership that has also led to a vastly improved system of primary and secondary roads. It is appropriate that the achievements of this partnership be recognized by every American who benefits from them.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 20, 1970, as National Highway Week, and I urge Federal, State and local officials, as well as organizations within the highway industry and other groups, to call attention during that week to what highway transportation means to our nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 70-8489; Filed, June 30, 1970; 11:13 a.m.]

Executive Order 11538

DELEGATING TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY OF THE PRESIDENT TO ESTABLISH AND CONDUCT AN INTERNATIONAL AERONAUTICAL EXPOSITION

By virtue of the authority vested in me by section 709 of the Military Construction Authorization Act, 1970 (approved December 5, 1969, 83 Stat. 293, 317), and section 301 of title 3, United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation is designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by section 709 of the Military Construction Authorization Act, 1970, respecting the establishment and conduct of an International Aeronautical Exposition.

SEC. 2. Each Federal department and agency is directed to cooperate with the Secretary of Transportation in the performance of his functions under this Order, and shall, to the extent permitted by law and within the limits of available funds, furnish him such assistance as he may request.

SEC. 3. The Secretary of Transportation is authorized to redelegate within his department the functions hereinabove assigned to him.

Richard Nixon

THE WHITE HOUSE,
June 29, 1970.

[F.R. Doc. 70-8488; Filed, June 30, 1970; 11:13 a.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1970 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1970. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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

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		Price
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9		2.00
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	0–149	3.00
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17		2.75
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	1–149	2.00
	150–end	2.00
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21	Parts:	
	1–119	$1.75
	120–129	1.75
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	147–end	1.50
22		1.75
23		.35
24		2.50
25		1.75
26	Parts:	
	1 (§§ 1.0–1—1.300)	3.00
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.501–1.640)	1.25
	1 (§§ 1.641–1.850)	1.50
	1 (§§ 1.851–1.1200)	2.00
	1 (§ 1.1201–end)	3.25
	2–29	1.25
	30–39	1.25
	40–169	2.50
	170–299	3.50
	300–499	1.50
	500–599	1.75
	600–end	.65
27		.45
28		.75
29	Parts:	
	0–499	1.50
	500–899	3.00
	900–end	1.25
30		1.50
31		1.75
32	Parts:	
	1–8	3.25
	9–39	2.00
	40–399	2.75
	400–589	2.00
	590–699	.75
	700–799	3.50
	800–1199	2.00
	1200–1599	1.50
	1600–end	1.00
32A		1.25
33	Parts:	
	1–199	2.50
	200–end	1.75
34	[Reserved]	
35		1.75
36		1.25
37		.70
38		3.50
39		3.50
40	[Reserved]	
41	Chapters:	
	1	2.75
	2–4	1.00
	5–5D	1.25
	6–17	3.25
	18	3.25
	19–100	.75
	101–end	1.75
42		1.75
43	Parts:	
	1–999	1.50
	1000–end	3.00
44		.45
45		4.00
46	Parts:	
	1–65	$2.75
	66–145	2.75
	146–149	3.75
	150–199	2.50
	200–end	3.00
47	Parts:	
	0–19	1.75
	20–69	2.00
	70–79	1.75
	80–end	2.75
48	[Reserved]	
49	Parts:	
	1–199	3.75
	200–999	1.50
	1000–1199	1.25
	1200–1299	3.00
	1300–end	1.00
50		1.25

Title 50—WILDLIFE AND FISHERIES

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

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Technical Assistance

On page 6712 of the FEDERAL REGISTER, Vol. 35, No. 82, for Tuesday, April 28, 1970, there was published a notice of proposed rule making adding a new regulation to Part 80 of Title 50, Code of Federal Regulations.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed addition.

Every State fish and game department was notified of the proposed addition by letter.

The suggestion of further clarification by incorporating the words, "substantially beneficial to fish and wildlife," in defining the type of technical assistance being made approvable was worthwhile and has been incorporated in the regulation.

Therefore, since there were no objections and no other changes being deemed necessary, the addition as proposed is hereby adopted subject to the above change and reads as follows:

§ 80.40 Technical assistance.

Technical assistance provided to individuals, groups, and State, local, or municipal governments by State fish and game departments for matters relating to fish and wildlife management, land use planning, or improvements in environmental quality substantially beneficial to fish and wildlife is approvable under the Federal Aid in Fish and Wildlife Restoration programs.

This regulation is effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JUNE 25, 1970.

[F.R. Doc. 70-8317; Filed, June 30, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

SEVERANCE PAY

In § 3.700(a), subparagraph (3) is amended to read as follows:

§ 3.700 General.

* * * * *

(a) *Veterans.* * * *

(3) *Severance pay.* Where the disability or disabilities found to be service-connected are the same as those upon which disability severance pay is granted, an award of compensation will be made subject to recoupment of the disability severance pay. Prior to the initial determination of the degree of disability recoupment will be at the full monthly compensation rate payable for the disability or disabilities for which severance pay was granted. Following initial determination of the degree of disability recoupment shall not be at a monthly rate in excess of the monthly compensation payable for that degree of disability. For this purpose the term "initial determination of the degree of disability" means the first regular schedular compensable rating in accordance with the provisions of Subpart B, Part 4 of this chapter and does not mean a rating based in whole or in part on a need for hospitalization or a period of convalescence. There is no prohibition against payment of compensation where the veteran received nondisability severance pay or where disability severance pay was based upon some other disability. Compensation payable for service-connected disability other than the disability for which disability severance pay was granted will not be reduced for the purpose of recouping disability severance pay.

* * * * *

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

This VA regulation is effective May 7, 1970.

Approved: June 25, 1970.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Acting Deputy Administrator.

[F.R. Doc. 70-8343; Filed, June 30, 1970; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅛	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	Jan. 1, 1970
6⅛	Jan. 1, 1970	July 1, 1970
6⅞	July 1, 1970	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅛	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	Jan. 1, 1970
6⅛	Jan. 1, 1970	July 1, 1970
6⅞	July 1, 1970	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅛	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	Jan. 1, 1970
6⅛	Jan. 1, 1970	July 1, 1970
6⅞	July 1, 1970	

* * * * *

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

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5⅛	Jan. 1, 1968	July 1, 1969
5⅞	July 1, 1969	Jan. 1, 1970
6⅛	Jan. 1, 1970	July 1, 1970
6⅞	July 1, 1970	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., June 24, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70-8418; Filed, June 30, 1970; 8:50 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Yell	Dardanelle	I 05 149 0980 01 I 05 149 0980 02	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 77204.	Mayor's Office, Arkansas Valley Bank Bldg., Dardanelle, Ark. 72834.	June 30, 1970.
California	Fresno		E 06 019 0000 01 E 06 019 0000 02 E 06 019 0000 03	Department of Water Resources, Box 338, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif., and 1407 Market St., San Francisco, Calif. 94103.	Land Development Division, Fresno County Department of Public Works, 4499 East Kings Canyon Rd., Fresno, Calif. 93702.	Do.
Do	San Mateo	South San Francisco.	E 06 081 3730 01	do	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, Calif. 94070.	Do.
Connecticut	Hartford	Hartford	E 09 003 0280 01	Connecticut Water Resources Commission, Capitol Ave., Hartford, Conn. 06115. Connecticut Insurance Department, State Office Bldg., Hartford, Conn. 06115.	Commission on the City Plan, 4th Floor, Municipal Bldg., 550 Main St., Hartford, Conn, 06103. Office of the City Clerk, 1st Floor, Municipal Bldg., 550 Main St., Hartford, Conn. 06103.	Do.
Do	Litchfield	Torrington	E 09 005 0760 01	do	Municipal Building, City of Torrington, Torrington, Conn. 06790.	Do.
Florida	Charlotte	Unincorporated areas.	E 12 015 0000 01 through E 12 015 0000 04.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Planning and Zoning Department, Charlotte County Courthouse, Room 309, Punta Gorda, Fla. 33950.	Do.
Do	Manatee	do	E 12 081 0000 01 E 12 081 0000 02	do	Planning and Zoning Department, Manatee County, 212 Sixth Ave. East, Bradenton, Fla. 33505.	Do.
Do	do	Anna Maria	E 12 081 0050 01	do	City Hall, City of Anna Maria, 10005 Gulf Dr., Anna Maria, Fla. 33501.	Do.
Do	do	Bradenton Beach	E 12 081 0345 01	do	City Hall, City of Bradenton Beach, 207 First St. North, Bradenton, Beach, Fla. 33510.	Do.
Do	Monroe	Layton	E 12 087 1837 01	do	City Hall, City of Layton, U.S. Highway 1, Layton, Fla. 33001.	Do.
Do	Pinellas	Belleaire Beach	E 12 103 0201 01	do	Municipal Building, City of Belleaire Beach, 444 Causeway Blvd., Belleaire Beach, Fla. 33535.	Do.
Do	do	Clearwater	E 12 103 0570 01	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	City Hall Lobby, Clearwater City Hall, Clearwater, Fla. 33518.	Do.
Do	do	Redington Shores	E 12 103 2650 01	do	Office of the Town Clerk, Municipal Bldg., 17798 Gulf Blvd., Redington Shores, Fla. 33708.	Do.
Do	do	Treasure Island	E 12 103 3010 01 through E 12 103 3010 04	do	Office of the City Manager, 120 108th Ave., Treasure Island, Fla. 33706.	Do.
Maryland	Worcester	Ocean City	E 24 047 1150 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21404. Maryland Insurance Department, 301 West Preston St., Annapolis, Md. 21201.	Office of the City Engineer, Town of Ocean City, Ocean City, Md. 21842.	Do.
Mississippi	Hancock	Unincorporated areas.	E 28 045 0000 01 E 28 045 0000 02	State of Mississippi, Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	Office of the Chancery Clerk, Hancock County Courthouse, Bay St. Louis, Miss. 39520.	Do.
Do	do	Bay St. Louis	E 28 045 0130 01	do	City Hall, City of Bay St. Louis, South Second St., Bay St. Louis, Miss. 39520.	Do.
Do	do	Waveland	E 28 045 2740 01	do	Office of the Town Clerk, Town Hall, Waveland, Miss. 39576.	Do.
Do	Harrison	Biloxi	E 28 047 0230 01	do	Office of the Building Official, City Hall, 216 Lamuse St., Biloxi, Miss. 39530.	
Do	Jackson	Unincorporated areas.	E 28 059 0000 01 E 28 059 0000 02	do	Jackson County Planning Commission Office, Courthouse, Pascagoula, Miss. 39567.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
New Jersey	Atlantic	Atlantic City	E 34 001 0090 01	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Engineer, Room 603, City Hall, Atlantic City, N.J. 08401.	Do.
Do	Bergen	Oakland	I 34 003 2330 01	do	Borough Clerk's Office, Municipal Bldg., Oakland, N.J. 07436.	Do.
Do	Cape May	Cape May Point	E 34 009 0550 01	do	Office of the Cape May Point Building Inspector, Borough Pump House, Light House Ave., Cape May Point, N.J. 08212.	Do.
Do	Ocean	Brick Township	E 34 029 0416 01 E 34 029 0416 02	do	Town Hall, Brick Township, 609 Brick Blvd., Laurelton, Brick Township, N.J. 08723.	Do.
Do	Union	Rahway	E 34 039 2730 01	do	Office of the Planning Director, City Hall, 1470 Campbell St., Rahway, N.J. 07065.	Do.
South Carolina	Charleston	Unincorporated areas.	E 45 019 0000 01	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201.	Office of the Planning Director, Charleston County Planning Board, 2 Courthouse Square, Charleston, S.C. 29401.	Do.
Do	do	do	E 45 019 0000 01	South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201.		
Texas	Dallas	Dallas	E 48 113 1730 01 through E 48 113 1730 18	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Department of Public Works, City Hall, Room 305, Dallas, Tex. 75201.	Do.
Do	Jefferson	Unincorporated areas.	E 48 245 0000 01 E 48 245 0000 02	do	Jefferson County Engineering Department, Room B-4, Jefferson County Courthouse, 1149 Pearl St., Beaumont, Tex. 77701.	Do.
Do	Live Oak	Three Rivers	E 48 297 6920 01	do	City Hall, City Square, Three Rivers, Tex. 78071.	Do.
Virginia	Russell	Cleveland	E 51 167 0530 01	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., Richmond, Va. 23209.	Treasurer's Office, Town Hall, Cleveland, Va. 24225.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: June 30, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-8188; Filed, June 30, 1970; 8:49 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arkansas	Yell	Dardanelle	H 05 149 0080 01 H 05 149 0980 02	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, Ark. 72201. Arkansas Insurance Department., 400 University Tower Bldg., Little Rock, Ark. 77204.	Mayor's Office, Arkansas Valley Bank Bldg., Dardanelle, Ark. 72834.	June 27, 1970.
California	Fresno		T 06 019 0000 01 T 06 019 0000 02 T 06 019 0000 03	Department of Water Resources, Box 338, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif., and 1407 Market St., San Francisco, Calif. 94103.	Land Development Division, Fresno County, Department of Public Works, 4499 East Kings Canyon Rd., Fresno, Calif. 93702.	Do.
Do	San Mateo	South San Francisco.	H 06 081 3730 01	do	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, Calif. 94070.	Do.
Connecticut	Hartford	Hartford	H 09 003 0280 01	Connecticut Water Resources Commission, Capitol Ave., Hartford, Conn. 06115. Connecticut Insurance Department., State Office Bldg., Hartford, Conn. 06115.	Commission on the City Plan, 4th Floor, Municipal Bldg., 550 Main St., Hartford, Conn. 06103. Office of the City Clerk, 1st Floor, Municipal Bldg., 550 Main St., Hartford, Conn. 06103.	Do.
Do	Litchfield	Torrington	H 09 005 0760 01	do	Municipal Building, City of Torrington, Torrington, Conn. 06790.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Charlotte	Unincorporated areas.	T 12 015 0000 01 through T 12 015 0000 04	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303 State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Planning and Zoning Department, Charlotte County Courthouse, Room 309, Punta Gorda, Fla. 33950.	Do.
Do	Manatee	do	T 12 081 0000 01 T 12 081 0000 02	do	Planning and Zoning Department, Manatee County, 212 Sixth Ave. East, Bradenton, Fla. 33505.	Do.
Do	do	Anna Maria	H 12 081 0050 01	do	City Hall, City of Anna Maria, 10005 Gulf Dr., Anna Maria, Fla. 33501.	Do.
Do	do	Bradenton Beach.	H 12 081 0345 01	do	City Hall, City of Bradenton Beach, 207 First St. North, Bradenton Beach, Fla. 33510.	Do.
Do	Monroe	Layton	H 12 087 1837 01	do	City Hall, City of Layton, U.S. Highway 1, Layton, Fla. 33001.	Do.
Do	Pinellas	Belleaire Beach	T 12 103 0201 01	do	Municipal Building, City of Belleaire Beach, 444 Causeway Blvd., Belleaire Beach, Fla. 33535.	Do.
Do	do	Clearwater	T 12 103 0570 01	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	City Hall Lobby, Clearwater City Hall, Clearwater, Fla. 33518.	Do.
Do	do	Redington Shores	T 12 103 2650 01	do	Office of the Town Clerk, Municipal Bldg., 17798 Gulf Blvd., Redington Shores, Fla. 33708.	Do.
Do	do	Treasure Island	T 12 103 3010 01 through T 12 103 3010 04	do	Office of the City Manager, 120-108th Ave., Treasure Island, Fla. 33706.	Do.
Maryland	Worcester	Ocean City	H 24 047 1150 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21404. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Office of the City Engineer, Town of Ocean City, Ocean City, Md. 21842.	Do.
Mississippi	Hancock	Unincorporated areas.	T 28 045 0000 01 T 28 045 0000 02	State of Mississippi, Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Divison, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	Office of the Chancery Clerk, Hancock County Courthouse, Bay St. Louis, Miss. 39520.	Do.
Do	do	Bay St. Louis	H 28 045 0130 01	do	City Hall, City of Bay St. Louis, South Second St., Bay St. Louis, Miss. 39520.	Do.
Do	do	Waveland	H 28 045 2740 01	do	Office of the Town Clerk, Town Hall, Waveland, Miss. 39576.	Do.
Do	Harrison	Biloxi	H 28 047 0230 01	do	Office of the Building Official, City Hall, 216 Lamuse St., Biloxi, Miss. 39530.	
Do	Jackson	Unincorporated areas.	T 28 059 0000 01 T 28 059 0000 02	do	Jackson County Planning Commission Office, Courthouse, Pascagoula, Miss. 39567.	Do.
New Jersey	Atlantic	Atlantic City	T 34 001 0090 01	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Engineer, Room 603, City Hall, Atlantic City, N.J. 08401.	Do.
Do	Bergen	Oakland	H 34 003 2330 01	do	Borough Clerk's Office, Municipal Bldg., Oakland, N.J. 07436.	Do.
Do	Cape May	Cape May Point	H 34 009 0550 01	do	Office of the Cape May Point Building Inspector, Borough Pump House, Light House Ave., Cape May Point, N.J. 08212.	Do.
Do	Ocean	Brick Township	T 34 029 0416 01 T 34 029 0416 02	do	Town Hall, Brick Township, 609 Brick Blvd., Laurelton, Brick Township, N.J. 08723.	
Do	Union	Rahway	T 34 039 2730 01	do	Office of the Planning Director, City Hall, 1470 Campbell St., Rahway, N.J. 07065.	
South Carolina	Charleston	Unincorporated areas.	T 45 019 0000 01	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201.	Office of the Planning Director, Charleston County Planning Board, 2 Courthouse Square, Charleston, S.C. 29401.	Do.
Do	do	do	T 45 019 0000 01	South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201.		
Texas	Dallas	Dallas	T 48 113 1730 01 through T 48 113 1730 18	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Department of Public Works, City Hall, Room 305, Dallas, Tex. 75201.	Do.
Do	Jefferson	Unincorporated areas.	T 48 245 0000 01 T 48 245 0000 02	do	Jefferson County Engineering Department., Room B-4, Jefferson County Courthouse, 1149 Pearl St., Beaumont, Tex. 77701.	Do.
Do	Live Oak	Three Rivers	H 48 297 0920 01	do	City Hall, City Square, Three Rivers, Tex. 78071.	Do.
Virginia	Russell	Cleveland	H 51 167 0530 01	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., Richmond, Va. 23209.	Treasurer's Office, Town Hall, Cleveland, Va. 24225.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: June 30, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-8189; Filed, June 30, 1970; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (17) relating to the State of Virginia, subdivision (xiv) relating to Nansemond and Isle of Wight Counties is amended to read:

(e) * * *

(17) *Virginia.* * * *

(xiv) The adjacent portions of Nansemond and Isle of Wight Counties bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Nansemond River; thence, following the west bank of the Nansemond River in a southwesterly direction to Primary Highway 125; thence, following Primary Highway 125 in a southeasterly direction to Primary Highway 337; thence, following Primary Highway 337 in a southeasterly direction to the Nansemond-Chesapeake County line; thence, following the Nansemond-Chesapeake County line in a southwesterly direction to the Washington Ditch; thence, following Washington Ditch in a northwesterly direction to Secondary Highway 642; thence, following Secondary Highway 642 in a northerly direction to Secondary Highway 674; thence, following Secondary Highway 674 in a generally westerly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a southeasterly direction to Secondary Highway 642.

Thence, following Secondary Highway 642 in a southwesterly direction to Secondary Highway 664; thence, following Secondary Highway 664 in a northwesterly direction to Primary Highway 32; thence, following Primary Highway 32 in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to Secondary Road 670; thence, following Secondary Road 670 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to Secondary Road 668; thence, following Secondary Road 668 in a northeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a generally northeasterly direction to Secondary Road 647; thence, following Secondary Road 647 in a northwesterly direction to Secondary Road 685; thence, following Secondary Road 685 in a northeasterly direction to Secondary Road 646; thence, following Secondary Road 646 in a northwesterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a northeasterly direction to Primary Highway 337; thence, following Primary Highway 337 in a southeasterly direction to Primary Highway 32, 10; thence, following Primary Highway 32, 10 in a northerly direction to the Nansemond River; thence, following the west bank of the Nansemond River in a generally northeasterly direction to the north bank of Western Branch; thence, following the north bank of Western Branch in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southeasterly direction to Primary Highway 32, 10; thence, following Primary Highway 32, 10 in a southerly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Nansemond River.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Nansemond County, Va., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June 1970.

T. W. EDMINSTER,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-8367; Filed, June 30, 1970; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (c) of § 177.4, Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91–95) is amended to provide for the payment of such an allowance for the period April 1, 1970, through June 30, 1970, inclusive.

As so amended § 177.4(c) (4) reads as follows:

§ 177.4 Special allowances.

* * * * *

(c) *Promulgation of special allowances.* * * *

(4) For the period April 1, 1970, through June 30, 1970, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 2¼ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: June 26, 1970.

T. H. BELL,
Acting Commissioner of Education.

Approved: June 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-8472; Filed, June 30, 1970; 10:11 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9486; Amdts. Nos. 21-33, 37-22, 121-63, 127-18, 135-19, 145-11]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

PART 145—REPAIR STATIONS

Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects; Extension of Effective Date

The purpose of this amendment is to extend to October 2, 1970, the effective date of the recently adopted regulation requiring manufacturers to report certain failures, malfunctions, or defects in the products or articles which they manufacture.

On February 11, 1970, the FAA adopted Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 and these amendments were published in the FEDERAL REGISTER on February 19, 1970, to become effective April 2, 1970. The effective date was subsequently extended to July 2, 1970, at the request of the General Aviation manufacturer's Association, Inc., to enable manufacturers to establish procedures and to assemble the staff needed to comply with the new regulations (Amendments 21-30, 37-20, 121-59, 127-16, 135-16, and 145-10, 35 F.R. 5319, Mar. 31, 1970). I have determined that there is a need for a further extension of the effective date of the new regulations for an additional 90 days.

Since this amendment is an extension of the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, the effective date of Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 published in the FEDERAL REGISTER (35 F.R. 3154) on February 19, 1970, is extended to October 2, 1970.

(Secs. 313(a), 603, 604, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425), and of section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 26, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-8407; Filed, June 30, 1970; 8:50 a.m.]

SUBCHAPTER A—DEFINITIONS

SUBCHAPTER E—AIRSPACE

[Docket No. 9657; Amdts. 71-7; 75-3]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area Low Routes and Area High Routes

The purpose of this amendment is to establish a regulatory basis in Parts 71 and 75 of the Federal Aviation Regulations for the future designation of specific area low routes and area high routes.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 69-27) issued on June 13, 1969, and published in the FEDERAL REGISTER on June 18, 1969 (34 F.R. 9570). Due consideration has been given to all comments presented in response to that notice.

Some comments recommended that system errors and route widths should be measured from the navigational facility from which the navigation signal emanates. In response to this comment, this amendment contains route width definitions based on distances measured from the reference navigational facility rather than distances measured from the tangent point as in the notice. This difference is reflected in the table in § 71.6(b). While the basis for measuring route width has changed from the notice, the actual route widths under this amendment will be approximately the same as those proposed in the notice.

One comment stated that the proposed rule should be amended to reflect the particular characteristics of short takeoff and landing aircraft. If experience later demonstrates that special procedures or route widths should be adopted for particular aircraft classes, this may be done. However, at the present time it is believed that a single rule of general applicability is appropriate.

One comment expressed concern that distance-measuring equipment saturation and deterioration would become significant with 50 interrogators served by a single transponder, and stated that complete breakdown of service could occur with 120 interrogators being served by a single transponder. Distance measuring equipment operated by the FAA is designed so that more than 100 interrogators can be served by a single transponder without deterioration in service. Best estimates of expected transponder workload indicate a probable maximum of less than 50 aircraft interrogating a transponder at one time. Further, routes will be established and designated so as to minimize the load on any particular facility.

One comment referenced draft advisory circulars on area navigation and stated that any requirements in this area should follow the normal procedures for rule making rather than being published as Advisory Circulars. It was never contemplated that any procedure other than full notice and public procedure would be used in this or any other regulatory area. So far as equipment requirements are concerned, Advisory Circular 90-45, "Approval of Area Navigation Systems for Use in the U.S. National Airspace System," clearly states (par. 2.a.(3)) that rule making will be considered to specify types of airborne equipment required and the accuracy required of that equipment for use in the air traffic system. So far as airspace assignment is concerned, route designation will also follow rule making procedures.

Several comments suggesting detailed technical changes to the notice were received and have been accepted and incorporated herein.

In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective July 22, 1970, as hereinafter set forth:

1. Part 71 is amended as follows:

a. The title of Part 71 is amended to read as set forth above.

b. A new § 71.1(c) is added to read as follows:

§ 71.1 Applicability.

* * * * *

(c) The airspace assignments described in Subpart J are designated as area low routes.

c. A new § 71.6 is added to read as follows:

§ 71.6 Extent of area low routes.

(a) Each area low route is based on a centerline that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.

(b) Unless otherwise specified in Subpart J, the following apply:

(1) Except as provided in subparagraph (2) of this paragraph, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route centerline as described in the middle column of the following table, plus that additional airspace outside of those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility to tangent point	Miles from centerline to parallel lines	Miles from tangent point along parallel lines to vortices of 3.25° angles
Less than 17	4	51.
17 to, but not including 27	4	50.
27 to, but not including 33	4	49.
33 to, but not including 38	4	48.
38 to, but not including 43	4	47.
43 to, but not including 47	4	46.
47 to, but not including 51	4	45.
51 to, but not including 55	4	44.
55 to, but not including 58	4	43.
58 to, but not including 61	4	42.
61 to, but not including 63	4	41.
63 to, but not including 66	4	40.
66 to, but not including 68	4	39.
68 to, but not including 70	4	38.
70 to, but not including 72	4	37.
72 to, but not including 74	4	36.
74 to, but not including 76	4	35.
76 to, but not including 78	4	34.
78 to, but not including 79	4	33.
79 to, but not including 81	4	32.
81 to, but not including 83	4	31.
83 to, but not including 84	4	30.
84 to, but not including 86	4	29.
86 to, but not including 87	4	28.
87 to, but not including 88	4	27.
88 to, but not including 89	4	26.
89 to, but not including 91	4	25.
91 to, but not including 92	4	24.
92 to, but not including 93	4	23.
93 to, but not including 94	4	22.
94 to, but not including 95	4	21.
95 to, but not including 96	4	19.
96 to, but not including 97	4	18.
97 to, but not including 98	4	17.
98 to, but not including 99	4	15.
99 to, but not including 100	4	13.
100 to, but not including 101	4	11.
101 to, but not including 102	4	8.
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

(2) Each area low route, whose centerline is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the centerline that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the centerline through the reference facility, thence to the edges of the boundary lines described in subparagraph (1) of this paragraph, intersecting those boundary lines at angles of 5.15°.

(3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.

(4) Where the widths of adjoining route segments are unequal, the following apply:

(i) If the tangent point of the narrower segment is on the route centerline, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.

(ii) If the tangent point of the narrower segment is on the route centerline extended, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.

(5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend beyond the domestic/oceanic control area boundary.

(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

d. The first sentence of § 71.7 *Control areas* is amended to read as follows: "Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area."

e. A new Subpart J is added to read as follows:

Subpart J—Area Low Routes

§ 71.301 Designation.

The parts of airspace described below are designated as area low routes.

2. Part 75 is amended as follows:

a. The title of Part 75 is amended to read as set forth above.

b. Section 75.1 *Applicability* is amended by adding the following sentence at the end thereof: "The routes described in Subpart D of this Part are designated as area high routes."

c. A new § 75.13 is added to read as follows:

§ 75.13 Area high routes; control area designation.

(a) Each area high route designated in Subpart D of this Part consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.

(b) Unless otherwise specified, that airspace, on each side of an area high route, that has a lateral extent specified in § 71.6 and that extends outside the continental control areas, is designated as a control area.

d. A new Subpart D is added to read as follows:

Subpart D—Area High Routes

§ 75.400 Area high routes.

The parts of airspace described below are designated as area high routes.

(Secs. 307(a), 313(a), and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a), 1354(a), and 1510, and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 22, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-8250; Filed, June 30, 1970; 8:45 a.m.]

[Airspace Docket No. 70-EA-11]

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

Alteration of Federal Airway Segments

On April 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5413) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of V-6N and V-443E.

Objections were received from Geauga Air Service, Inc., and Horn's Flying School, Inc., on the basis that the proposed V-6N would eliminate a nearby off-airway area used for acrobatic instruction.

There is a small area in controlled airspace bounded by V-10, V-6, V-337 and V-232 wherein acrobatic flight is conducted. This area would be eliminated by the proposed V-6N. There is a larger area bounded by V-10, V-188, V-43, and V-232 approximately 11 miles northeast of the smaller area that could be used for

acrobatic training. The use of the larger area for acrobatic training would require that aircraft from Chardon and Chagrin Falls Airports fly a greater distance. Consideration was given to moving the proposed V–6N to the south and to raising the floor on V–6N to provide space for acrobatic flight. However, rerouting the airway or raising the floor would defeat its intended purpose, that is, to provide tower en route service between the Cleveland, Ohio, and Youngstown, Ohio, terminals and provide a clearance limit for traffic from eastern terminals that will be landing at Cleveland-Hopkins Airport. The FAA considers that air traffic control requirements for V–6N as proposed would serve a greater public interest and need than the smaller acrobatic training area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, August 20, 1970, as hereinafter set forth.

Section 71.123 (34 F.R. 20419, 35 F.R. 2009, 5465, 6274, 7051, and 7857) is amended as follows:

1. In V–6 the phrase "Youngstown, Ohio; Clarion, Pa.," is deleted and the phrase "Youngstown, Ohio, including a north alternate via INT Cleveland 081° and Youngstown 285° radials; Clarion, Pa.;" is substituted therefor.

2. In V–443 the phrase "including an east alternate via INT Tiverton 017° and Cleveland 138° radials;" is deleted and the phrase "including an east alternate via INT Tiverton 028° and Cleveland 138° radials;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 24, 1970.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70–8333; Filed, June 30, 1970; 8:47 a.m.]

[Airspace Docket No. 70–AL–6]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation and Alteration of Federal Airways and Jet Routes, Alteration of Reporting Points, and Revocation of Additional Control Areas

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to incorporate the Deadhorse, Alaska, RBN into the Federal airway/jet route structures in lieu of the Prudhoe Bay, Alaska, RBN, and to take ancillary actions necessary for the safe and expeditious movement of aircraft over the north slope of Alaska.

The State of Alaska has assumed ownership of the Deadhorse Airport, formerly a private-use field, and now operates it as a public-use facility. The Socal, Alaska, RBN (lat. 70°11'51" N., long, 148°27'47" W.) associated with the Deadhorse Airport is being certificated for public use and will be incorporated into the National Airspace System on August 20, 1970, as the Deadhorse RBN. Public-use procedures for the Deadhorse Airport will be adopted this date. Inasmuch as the Deadhorse RBN is in proximity to the Prudhoe Bay RBN, as a matter of economics, the latter facility will be decommissioned this date.

Concurrently with the above, the following actions are necessary:

(1) Designate Amber Federal airway No. 3 from the Bettles, Alaska, RBN to the Deadhorse RBN. This would facilitate air traffic control and flight planning by providing a numbered route in lieu of an additional control area.

2. Realign Amber Federal airway No. 15 from the Sagwon, Alaska, RBN to Oliktok, Alaska, RBN via the Deadhorse RBN.

3. Designate Jet Route No. 139 from the Bettles RBN to the Deadhorse RBN. Same as paragraph No. 1.

4. Designate Jet Route No. 155 from the Chandalar Lake, Alaska, RBN to the Oliktok RBN. This will facilitate air traffic control and flight planning by assigning a number to a regularly used route.

5. Realign Jet Route No. 115 from the Chandalar Lake RBN to the Deadhorse RBN via the Sagwon, Alaska, RBN.

6. Extend Jet Route No. 125 from the Chandalar Lake RBN to the Flaxman Island, Alaska, RBN. Same as paragraph No. 4.

7. Realign Jet Route No. 507 from Fort Yukon, Alaska, to the Deadhorse RBN.

8. Revoke the Bettles/Prudhoe Bay additional control area. Will be replaced by A–3 and J–139.

9. Revoke the Sagwon/Flaxman Island additional control area. This is no longer required for air traffic control purposes.

10. Substitute the Deadhorse RBN for the Prudhoe Bay RBN as Alaska low and high altitude reporting points.

Since these amendments are immediately necessary to the safe and expeditious movement of air traffic, it has been determined that notice and public procedure hereon are impracticable, and good cause exists for making them effective immediately. However, since it is necessary to allow sufficient time to make the necessary changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t. August 20, 1970, as hereinafter set forth.

1. In § 71.105 (35 F.R. 2006, 2583, 5465) the following is added:

a. A–3 From the Bettles, Alaska, RBN, 59 miles, 76 miles 95 MSL, Deadhorse, Alaska, RBN.

b. In A–15 "Prudhoe Bay, Alaska, RBN;" is deleted and "Deadhorse, Alaska, RBN;" is substituted therefor.

2. Section 71.163 (35 F.R. 2046) is amended as follows:

a. Bettles/Prudhoe, Alaska, additional control area is revoked.

b. Sagwon/Flaxman Island, Alaska, additional control area is revoked.

3. In § 71.211 (35 F.R. 2305) "Prudhoe Bay, Alaska, RBN" is deleted and "Deadhorse, Alaska, RBN" is substituted therefor.

4. In § 71.213 (35 F.R. 2306) "Prudhoe Bay, Alaska, RBN," is deleted and "Deadhorse, Alaska, RBN" is substituted therefor.

5. Section 75.100 (35 F.R. 2359, 2583, 5007, 5465) is amended as follows:

a. Jet Route No. 139 is added as follows:

Jet Route No. 139 (Bettles, Alaska, to Deadhorse, Alaska) From the Bettles, Alaska, RBN to the Deadhorse, Alaska, RBN.

b. Jet Route No. 155 is added as follows:

Jet Route No. 155 (Chandalar Lake, Alaska, to Oliktok, Alaska) From the Chandalar Lake, Alaska, RBN to the Oliktok, Alaska, RBN.

c. In the caption of Jet Route No. 115 "Prudhoe Bay, Alaska" is deleted and "Deadhorse, Alaska" is substituted therefor.

In the text of Jet Route No. 115 "Prudhoe, Alaska, RBN (PUO)." is deleted and "Sagwon, Alaska, RBN; to Deadhorse, Alaska, RBN." is substituted therefor.

d. In the caption of Jet Route No. 125 "Chandalar Lake, Alaska" is deleted and "Deadhorse, Alaska" is substituted therefor.

In the text of Jet Route No. 125 "to Chandalar Lake, Alaska, RBN." is deleted and "Chandalar Lake, Alaska, RBN; to Flaxman Island, Alaska, RBN." is substituted therefor.

e. In the caption of Jet Route No. 507 "Prudhoe Bay, Alaska," is deleted and "Deadhorse, Alaska," is substituted therefor.

In the text of Jet Route No. 507 "From Prudhoe Bay, Alaska, RBN (PUO)" is deleted and "From Deadhorse, Alaska, RBN" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 26, 1970.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70–8375; Filed, June 30, 1970; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE*

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Miscellaneous Amendments

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the

date of their publication in the FEDERAL REGISTER.

Subpart F—Decision

1. Section 3.51(a) is amended to read as follows:

§ 3.51 Initial decision.

(a) *When filed and when effective.* The hearing examiner shall file an initial decision within ninety (90) days after completion of the reception of evidence, or within thirty (30) days after a default or the granting of a motion for summary decision or waiver by the parties of the filing of proposed findings of fact, conclusions of law and order, or within such further time as the Commission may by order allow upon written request from the hearing examiner. The initial decision shall become the decision of the Commission thirty (30) days after service thereof upon the parties or thirty (30) days after the filing of notice of appeal, whichever shall be later, unless in the interim a party filing such a notice shall have perfected an appeal by filing an appeal brief, or the Commission shall have issued an order placing the case on its own docket for review or staying the effective date of the decision.

* * * * *

Subpart G—Reports of Compliance

2. Section 3.61(c) is amended to read as follows:

§ 3.61 Reports of compliance.

* * * * *

(c) Any respondent subject to a Commission order may request advice from the Commission as to whether a proposed course of action, if pursued by it, will constitute compliance with such order. The request for advice should be submitted in writing to the Secretary of the Commission and should include full and complete information regarding the proposed course of action. On the basis of the facts submitted, as well as other information available to the Commission, the Commission will inform the respondent whether or not the proposed course of action, if pursued, would constitute compliance with its order. A request ordinarily will be considered inappropriate for such advice: (1) where the course of action is already being followed by the requesting party; (2) where the same or substantially the same course of action is under investigation or is or has been the subject of a current proceeding, order, or decree initiated or obtained by the Commission or another governmental agency; or (3) where the proposed course of action or its effects may be such that an informed decision thereon cannot be made or could be made only after extensive investigation, clinical study, testing or collateral inquiry.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: June 23, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-8310; Filed, June 30, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 148i—NEOMYCIN SULFATE

Combination Drugs Containing Neomycin Sulfate and Radiopaque Agents

In the FEDERAL REGISTER of January 14, 1970 (35 F.R. 473), the Commissioner of Food and Drugs announced (DESI 11072) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparations:

1. Retropaque Solution; methiodal sodium 20 percent (weight/volume) and neomycin sulfate 4.2 percent (equivalent to 2.5 percent neomycin base, weight/volume); marketed by Winthrop Laboratories, Division of Sterling Drug Co., Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 12-010).

2. Retrografin Solution; meglumine diatrizoate 30 percent and neomycin sulfate equivalent to neomycin base 2.5 percent; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 11-072).

On the basis of the lack of substantial evidence that such drugs have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling and that each ingredient in the combination drugs contributes to the total effects claimed for the drugs, the Commissioner announced his intention to initiate proceedings to revoke the antibiotic drug regulation (21 CFR 148i.35) that provides for certification of the subject drugs.

All interested persons who might be adversely affected by removal of such drugs from the market were invited to submit, within 30 days after publication of said announcement in the FEDERAL REGISTER, any pertinent data bearing on the proposal to revoke the antibiotic drug regulation. No data were received in response to the announcement.

Accordingly, the Commissioner concludes that § 1481.35 and all outstanding certificates heretofore issued for such combination drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended by revoking § 148i.35 *Neomycin sulfate solution with radiopaque agent.* All certificates issued under this section are also revoked.

Any person who will be adversely affected by removal of any such drugs from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the act. (35 F.R. 7250, May 8, 1970)

Objections and request for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for such period of time as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: June 20, 1970.

CHARLES C. EDWARDS, *Commissioner of Foods and Drugs.*

[F.R. Doc. 70-8316; Filed, June 30, 1970; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Dept. Reg. 108.623]

PART 51—PASSPORTS

Miscellaneous Amendments

Paragraph (b) of § 51.21 is amended to read as follows:

§ 51.21 Execution of passport application.

* * * * *

(b) *Persons authorized and empowered by the Secretary to administer oaths.* The following persons are hereby authorized and empowered by the Secretary to administer oaths for passport purposes:

(1) A passport agent.
(2) A clerk of any Federal court.
(3) A clerk of any State court of record or a judge or clerk of any probate court.
(4) A postal clerk designated by the Postmaster General.
(5) A diplomatic or consular officer abroad.
(6) Any other persons specifically designated by the Secretary.

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658, E.O. 11295; 3 CFR, 1966 Comp.)

Effective date. This amendment shall be effective July 1, 1970.

For the Secretary of State.

Dated: June 29, 1970.

WILLIAM B. MACOMBER, Jr.,
Deputy Under Secretary for Administration.

[F.R. Doc. 70-8461; Filed, June 30, 1970; 8:51 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further correction and amendments to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act. The correction to § 102.69(d) and the amendment to § 102.118(b)(2) are effective July 6, 1970, and the amendments to §§ 102.19(a) and 102.81 (a) and (c) are effective July 27, 1970.

National Labor Relations Board Rules and Regulations, Series 8, as hereby further corrected and amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D.C., June 25, 1970.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

Subpart B—Procedure Under Section 10(a) to (i) of the Act for the Prevention of Unfair Labor Practices

Section 102.19(a) is amended to read as follows:

§ 102.19 Appeal to the general counsel from refusal to issue or reissue.

(a) If, after the charge has been filed, the regional director declines to issue a complaint, or having withdrawn a complaint pursuant to section 102.18, refuses to reissue it, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making the charge may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 10 days from the service of the notice of such refusal to issue or reissue by the regional director, except as a shorter period is provided by § 102.81. If an appeal is taken the person doing so should notify all other parties of his action, but any failure to give such notice shall not affect the validity of the appeal. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. A request for extension of time to file an appeal shall be in writing and be received by the general counsel, and a copy of such request filed with the regional director, prior to the expiration of the filing period. Copies of the acknowledgement of the filing of an appeal and of any ruling on a request for an extension of time for the filing of an appeal shall be served on all parties. Consideration of an appeal untimely filed is within the discretion of the general counsel upon good cause shown.

* * * * *

This amendment is effective July 27, 1970.

Subpart C—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees [3] and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

Section 102.69(d) is corrected to read as follows:

§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the board; hearing.

* * * * *

(d) Any hearing pursuant to this section shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66, insofar as applicable, except that upon the close of such hearing, the hearing officer shall, if directed by the regional director, prepare and cause to be served on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the issues. In any case in which the regional director has directed that a report be prepared and served, any party may, within 10 days from the date of issuance of such report, file with the regional director the original and one copy, which may be a carbon copy, of exceptions to such report, with supporting brief, if desired. A copy of such exceptions, together with a copy of any brief filed, shall immediately be served on the other parties and a statement of service filed with the regional director. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further time as the regional director may allow, a party opposing the exceptions may file an answering brief with the regional director; except that if personal service of the exceptions and any supporting brief is made upon the regional director, 10 days will be allowed. However, 3 days as provided in § 102.114 will not be added to the prescribed time for filing an answering brief. An original and one copy, which may be a carbon copy, shall be submitted. A copy of such answering brief shall immediately be served on the other parties and a statement of service filed with the regional director. If no exceptions are filed to such report, the regional director, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case.

* * * * *

This correction is effective July 6, 1970.

Subpart D—Procedure for Unfair Labor Practice and Representation Cases Under Sections 8(b)(7) and 9(c) of the Act

Section 102.81 (a) and (c) is amended to read as follows:

§ 102.81 Review by the general counsel of refusal to proceed on charge; resumption of proceedings upon charge held during pendency of petition; review by general counsel of refusal to proceed on related charge.

(a) Where an election has been directed by the regional director or the Board in accordance with the provisions of §§ 102.77 and 102.78, the regional director shall decline to issue a complaint on the charge, and he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making the charge may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 3 days from the service of the notice of such refusal by the regional director. In all other respects the appeal shall be subject to the provisions of § 102.19. Such appeal shall not operate as a stay of any action by the regional director.

* * * * *

(c) If in connection with a section 8(b)(7) proceeding, unfair labor practice charges under other sections of the act have been filed and the regional director upon investigation has declined to issue a complaint upon such charges, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making such charges may obtain a review of such action by

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151–167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

[3] Procedure under the first proviso to sec. 8(b)(7)(C) of the act is governed by subpart D.

filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 3 days from the service of the notice of such refusal by the regional director. In all other respects the appeal shall be subject to the provisions of § 102.19.

This amendment is effective July 27, 1970.

Subpart K—Records and Information

Section 102.118(b)(2) is amended to read as follows:

§ 102.118 Board employees prohibited from producing files, records, etc., pursuant to subpoena ad testificandum or subpoena duces tecum; prohibited from testifying in regard thereto; production of witnesses' statements after direct testimony.

* * * * *

(b) * * *

(2) If the general counsel claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the trial examiner shall order the general counsel to deliver such statement for the inspection of the trial examiner in camera. Upon such delivery the trial examiner shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness except that he may, in his discretion, decline to excise portions which, although not relating to the subject matter of the testimony of the witness, do relate to other matters raised by the pleadings. With such material excised the trial examiner shall then direct delivery of such statement to the respondent for his use on cross-examination. If, pursuant to such procedure, any portion of such statement is withheld from the respondent and the respondent objects to such withholdings, the entire text of such statement shall be preserved by the general counsel, and, in the event the respondent files exceptions with the Board based upon such withholding, shall be made available to the Board for the purpose of determining the correctness of the ruling of the trial examiner. If the general counsel elects not to comply with an order of the trial examiner directing delivery to the respondent of any such statement, or such portion thereof as the trial examiner may direct, the trial examiner shall strike from the record the testimony of the witness.

This amendment is effective July 6, 1970.

[F.R. Doc. 70-8320; Filed, June 30, 1970; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—MISCELLANEOUS FEES

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yosemite National Park, California; Revocation of Special Truck Restriction

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 2 of the Act of October 1, 1890 (26 Stat. 650; 16 U.S.C. 61), and section 5 of the Act of June 2, 1920 (41 Stat. 731; 16 U.S.C. 57), 245 DM-1 (34 F.R. 13879, as amended), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Region Order No. 4 (31 F.R. 5577, § 6.4 (c)(3), Part 6, Chapter 1, Title 36 of the Code of Federal Regulations) is hereby revoked and § 7.16 (c), Part 7, Chapter 1, Title 36 of the Code of Federal Regulations is hereby revoked.

The purpose of this amendment is to delete special provisions prohibiting the operation of commercial trucks on Tioga Road. The exclusion of commercial trucks from Tioga Road is deemed to be covered in the Commercial and Private Operations regulations (§ 5.6, Commercial Vehicles, Part 5, Chapter 1, Title 36, Code of Federal Regulations).

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this amendment will not impose any additional restrictions on the public, comment thereon is deemed to be unnecessary and not in the public interest. This revocation will therefore take effect upon its publication in the FEDERAL REGISTER. (5 U.S.C. 1003.)

Subparagraph (3) of paragraph (c) of § 6.4 and paragraph (c) of § 7.16 are hereby revoked.

§ 6.4 Trucking permits.

* * * * *

(c) *Yosemite National Park.* * * *

(3) [Revoked]

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§ 7.16 Yosemite National Park.

* * * * *

(c) [Revoked]

* * * * *

Dated: June 24, 1970.

EDWARD A. HUMMEL,
Acting Director,
National Park Service.

[F.R. Doc. 70-8319; Filed, June 30, 1970; 8:46 a.m.]

PART 6—MISCELLANEOUS FEES

Admission and User Fees for Areas of the National Park System

Pursuant to authority contained in the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), § 6.7 of Part 6, Chapter 1, Title 36 of the Code of Federal Regulations is hereby revised.

The regulation being revised was published in the FEDERAL REGISTER of April 14, 1970, at pages 6067 and 6068. The changes proposed are relatively minor and one of these (provision of an annual permit) will result in convenience and probable financial benefit to families and others who will be traveling by private noncommercial vehicle to a number of areas administered by this service.

As stated, one purpose of the revision is to provide for an annual multiarea admission and user permit in addition to the fees and permits previously adopted. The annual permit, known as the "National Parklands Passport," when signed by the owner, will provide admission to all areas of the National Park System for the owner and any members of his immediate family regardless of mode of entry or for all those who accompany him in a private noncommercial vehicle at areas where fees are charged on a vehicle basis. It will have a credit value of $1 per night toward the payment of campground fees, where these are assessed.

The daily fees have been revised to provide for an admission fee ranging from $1 to $2 per vehicle (as compared with the previously prescribed $1 fee), to those areas normally entered by private noncommercial vehicle. These fees would be determined by the services, facilities and benefits offered.

While it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity through comment and suggestions to participate in the rulemaking process, it is deemed unnecessary in this instance to do so because only a minor fee adjustment is being prescribed. Prescription of the annual permit gives visitors an option that could prove financially beneficial to them and simplify their travel arrangements. Further, with the visitor season already begun, we believe it would be contrary to the public interest to delay the adoption of the "National Parklands Passport." Accordingly, the permits, charges and procedures herein prescribed will become effective July 1, 1970.

Section 6.7 of Part 6, Chapter 1, Title 36 of the Code of Federal Regulations is revised in the entirety to provide fees and charges for admission to and use of areas of the National Park System as follows:

§ 6.7 Visitor use charges.

(a) *Wrongful entry.* No person shall enter or use park areas, use park camping grounds or other facilities, or otherwise participate in Park Service programs or activities for which fees have been

designated without first paying the required fees. Any violation of this provision is punishable as provided in § 1.3 of these regulations.

(b) *Types of fees.* There are prescribed for all park areas and facilities which are designated as fee areas and facilities an annual multiarea admission and user fee, daily admission and user fees, campground user fees and certain special miscellaneous user fees, as hereinafter set forth. The campground and special user fees may be charged, where so designated, in addition to or in lieu of other user fees.

(c) *Annual National Parklands Passport.* (1) An annual multiarea permit, known as the National Parklands Passport, is available to the public for a charge of $7. The permit is valid for the calendar year in which it is issued and will enable visitors to all designated fee areas administered by the National Park Service to enter and use services and/or facilities normally available to visitors which are provided by the Federal Government. The service will also allow a credit of $1, per night to a holder of this passport toward the charge assessed for campground use in the areas it administers.

(2) The National Parklands Passport will be valid at all designated fee areas for the purchaser, the purchaser and his immediate family, or any member of the purchaser's immediate family, regardless of the mode of transportation or method of entrance. It will also cover any persons who accompany the purchaser in a "private noncommercial vehicle" at areas commonly entered by such vehicles. At areas commonly entered on foot, the passport will be valid only for the purchaser unless he is in a family unit. As used in this section "private noncommercial vehicle" shall include any passenger car, station wagon, pickup, camper truck, motorcycle, or other motor vehicle which is conventionally used for private recreation purposes.

(3) The National Parklands Passport issued pursuant to this section shall be validated by the signature of the owner or permittee on the permit. This permit shall be visibly displayed or exhibited at designated fee areas or facilities, as requested through signs or by authorized National Park Service employees.

(d) *Daily permits.* (1) For a person not possessing the annual National Parklands Passport, a 1-day single area permit and in some instances a 1-day multiarea permit (where certain areas are in proximity and offer similar services and facilities) is available at designated fee areas commonly entered by private noncommercial vehicles at rates ranging from $1 to $2 per such vehicle. This permit is valid for the particular park area or areas for which it is issued. Like the National Parklands Passport, it will enable a visitor to a designated fee area to enter and use services and/or facilities available to visitors which are provided by the Federal Government. The charge assessed per private noncommercial vehicle will be dependent on the diversity and extent of the services and facilities available in the area for day-use and would include such services and facilities as roads, trails, visitor centers, elevators, picnic area, boat launching sites, guarded swimming beaches, walks or hikes, campfire, and other interpretive programs and guide fees. For a person entering such a designated fee area on foot, by bicycle, commercial bus, or by any other means than private noncommercial vehicle, a permit is available at a rate of $0.50 per person, per day. This permit will enable visitors at such designated fee areas to enter and use services and/or facilities available to visitors which are provided by the Federal Government.

(2) For certain historical sites, caves, and other special fee areas of a similar nature, where the area or primary feature is customarily entered on foot, a special daily admission permit is available at rates ranging from $0.50 to $2 per person, per day, depending on the value of the services and facilities provided. This permit is valid for the particular area for which it is issued and will enable a visitor to such area to enter and use services and/or facilities available to visitors which are provided by the Federal Government. The permits prescribed under subparagraph (1) of this paragraph will not be available at these special daily fee areas.

(3) Each of the daily permits referred to in this paragraph (d) is valid for a single visit or series of visits during the calendar day for which they are purchased. In addition, at areas in which overnight use is provided, either of the permits issued under subparagraph (1) of this paragraph is valid until noon of the day following purchase unless the areas are posted for an earlier departure time, in which case the permits are valid only until such departure time. The daily permits do not have credit value toward overnight campground use.

(e) *Campground permits.* Permits are available for the use of designated fee campgrounds as follows:

(1) Type "A" campgrounds (having well-defined roads, parking space, campsites, drinking and sanitary facilities, including flush toilets and refuse cans which are furnished on a community basis)—minimum fee for the permit is $2 per site, per night. This minimum fee is subject to adjustment to conform to rates for comparable facilities and services prevailing in the private sector, in the general recreation district where the park is situated. A credit of $1 per night toward payment of the campground fee wil be allowed holders of the National Parklands Passport in areas administered by the National Park Service.

(2) Type "B" campgrounds (an area other than described under subparagraph (1) of this paragraph which is designated and used for camping, and has only minimal basic sanitary and other facilities)—minimum fee for the permit of $1 per site, per night. This minimum fee is subject to adjustment to conform to rates for comparable facilities and services prevailing in the private sector, in the general recreation district where the park is situated. A credit of $1 per night toward payment of the campground fee will be allowed holders of the National Parklands Passport in areas administered by the National Park Service.

(3) Type "C" campgrounds (group camp areas without cabins designated for use by organizations such as the Boy Scouts, church, and school groups, or other large parties)—$0.25 per person, per night for the permit. Persons who possess the National Parklands Passport will not be required to pay the individual fees for this type of campground use.

(f) *Miscellaneous special use permits.* Fees may be established for such specialized facilities, operations, or uses, as group cabin camps, boat trips, vehicle parking, boat docking, developed boat launching ramps, elevators, bath houses, special purpose recreational vehicle—use privileges (appropriate charges may be made for additional vehicles), and other activities and operations which generate heavy operating expenses, personal services or investments of funds beyond those required for normal visitor use, or where it is not possible or practical to include such charges in a general admission and use fee. Notice of the establishment of such miscellaneous special user fees shall be given in the manner prescribed in paragraph (g) of this section for giving notice of designations of fee areas generally.

(g) *Designation of fee areas.* Admission and use permits, including campground and special use permits, all as established pursuant to this section, will be required only at those areas or for those facilities which have been formally designated as fee areas and facilities by the Director of the National Park Service. Notification to the public of such designations shall be accomplished by posting such information conspicuously at each area and by local public announcements, press releases and other suitable means, and no fee established pursuant to this section shall be effective until the area or facility for which it is assessed has been posted as a designated fee area or facility. Signs used for this purpose at park areas may be used in combination with, or incorporated into, entrance signs.

(h) *Waiver of fees.* (1) Admission and day-use fees will not be charged under this subsection for persons who have not reached their 16th birthday, except when operating a private noncommercial vehicle, but such persons will not be exempt from payment of required camping fees and miscellaneous special fees—except as possession of an annual permit may reduce the applicable camping fees.

(2) Admission and day-use fees will be waived for organized elementary and high school age groups and for accompanying adults who assume responsibility for their safety and orderly conduct. This provision applies to school groups, national, regional, or local youth organizations and privately operated youth camps. Such groups and their adult leaders will not, however, be exempt from payment of required camping fees and miscellaneous special use fees—except as possession of the annual permit may reduce the applicable camping fees.

(3) Upon proper identification, the admission and day-use fees and/or camping fees will be waived for: Educational and scientific groups from bona fide educational institutions, groups conducting seasonal church services, hospital inmates involved in medical therapy and groups of disadvantaged youth sponsored by government agencies, charitable organizations, churches, or other community service groups.

(4) Admission and day-use fees will be waived for specialized uses such as commercial and other nonrecreational activities, ingress to and egress from private residences on roads traversing designated fee areas; and authorized governmental and employee activities.

(5) Persons and groups desiring a waiver of fees under subparagraphs (2) and (3) of this paragraph should advise the Superintendent, in advance.

(6) Nothing in these regulations shall authorize the establishment or issuance of Federal hunting or fishing licenses or fees.

Dated: June 26, 1970.

EDWARD A. HUMMEL,
Acting Director,
National Park Service.

[F.R. Doc. 70-8358; Filed, June 30, 1970; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Miscellaneous Amendments

Pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), 41 CFR Part 60-1, as revised on May 28, 1968 (33 F.R. 7804), is hereby amended in the manner set forth below.

As these amendments concern matters relating to public contracts, neither notice of proposed rule-making, nor public participation therein, nor delay in their effective date is required by 5 U.S.C. 553. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

Part 60-1 of Chapter 60 of Title 41 of the Code of Federal Regulations is hereby amended as follows:

1. § 60-1.6 is amended by revoking paragraph (d). As amended, § 60-1.6 reads as follows:

§ 60-1.6 Duties of agencies.

* * * * *

(d) [Revoked]

* * * * *

2. In § 60-1.7 paragraph (b)(1) is revised to read as follows:

§ 60-1.7 Reports and other required information.

* * * * *

(b) *Requirements for bidders or prospective contractors*—(1) *Certification of compliance with Part 60-2: Affirmative Action Programs.* Each agency shall require each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid or in writing at the outset of negotiations for the contract: (i) Whether it has developed and has on file at each establishment affirmative action programs pursuant to Part 60-2 of this chapter; (ii) whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; (iii) whether it has filed with the Joint Reporting Committee, the Director, an agency, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements.

* * * * *

3. In § 60-1.20, paragraph (d) is revised to read as follows:

§ 60-1.20 Compliance reviews.

* * * * *

(d) Each agency shall include in the invitation for bids for each formally advertised nonconstruction contract or state at the outset of negotiations for each negotiated contract, that if the award, when let, should exceed the amount of $1 million or more, the prospective contractor and his known first-tier subcontractors with subcontracts of $1 million or more will be subject to a compliance review before the award of the contract. No such contract shall be awarded unless a preaward compliance review of the prospective contractor and his known first-tier $1 million subcontractors has been conducted by the compliance agency within 12 months prior to the award. If an agency other than the awarding agency is the compliance agency, the awarding agency will notify the compliance agency and request appropriate action and findings in accordance with this subsection. Compliance agencies will provide awarding agencies with written reports of compliance within 30 days following the request. In order to qualify for the award of a contract, a contractor and such first-tier subcontractors must be found to be in compliance pursuant to paragraph (b) of this section, and with Part 60-2 of these regulations.

(E.O. 11246, 30 F.R. 12319; E.O. 11375, 32 F.R. 14303)

Signed at Washington, D.C., this 16th day of June 1970.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-8344; Filed, June 30, 1970; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

REORGANIZATION AND REVISION OF CHAPTER

Correction

In the reorganization and republication of 43 CFR Chapter II (35 F.R. 9502), the text of certain amendments appearing in Circulars 2255, 2267, and 2268 was inadvertently omitted. These amendments appeared at 34 F.R. 506, 706, 19905, and 35 F.R. 2591. Therefore, F.R. Doc. 70-7092, appearing at page 9502 of the issue of June 13, 1970, should be corrected to reflect these amendments which read as set forth below.

§ 2802.1-1 Form.

(a) *Application.* (1) The application shall be prepared and submitted in accordance with the requirements of this section. It should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in this part and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in this part. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. Applications shall be filed in accordance with the provisions of § 1821.2 of this chapter, except that applications for rights-of-way over or through reservation lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240, and applications for rights-of-way over and through reservation lands administered by the Fish and Wildlife Service shall be filed with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife in accordance with 50 CFR 29.21-2. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

* * * * *

§ 2801.1-9 Areas administered by Fish and Wildlife Service.

Pursuant to any statute, including those listed in this subpart, applicable to reservation lands administered by the Fish and Wildlife Service, rights-of-way over or through such lands will be issued by the Director of the Bureau of Sport Fisheries and Wildlife, or his delegate, under the regulations in 50 CFR Part 29.

§ 2821.3-1 General.

Except where an application involves lands wholly within an Indian reservation applications for rights-of-way and

material sites under title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, together with four copies of a durable and legible map shall be filed by the appropriate State highway department in the manner prescribed by § 2234.1–2(a). Maps should accurately describe the land or interest in land desired, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the requirements of § 2234.1–2(d)(1) (i) through (viii). Applications for lands wholly within an Indian reservation shall be filed in the office of the superintendent of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240, and applications for lands administered by the Fish and Wildlife Service shall be filed with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife, both of whom, notwithstanding the provisions of subparagraphs (3) and (4) of this paragraph, shall process such applications and issue grants of rights-of-way in accordance with the regulations of this subpart. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.

In subpart 2800, all references to "Secretary of Commerce" and "Department of Commerce" should be changed to read "Secretary of Transportation" and "Department of Transportation," respectively.

§ 4110.0–5 Definitions.

* * * * *

(s) "Allotment management plan" means a program of action designed to reach specific management goals.

(t) "Grazing system" means a specific sequence of livestock grazing by designated area to accomplish management objectives.

§ 4115.2–1 License and permit procedures; requirements and conditions.

* * * * *

(g) *Change in grazing season.* Any licensee or permittee who desires to use the Federal range for a period or periods other than as authorized by his license, permit, or approved allotment management plan, may, upon a written approval of the District Manager, be allowed to use the amount of his authorized grazing privileges during any period of time for which the Federal range is classified as proper for use, provided:

* * * * *

(k) *Fees, payments and refunds*—(1) *Fees.* (i) Fees will be charged for the grazing of all livestock on public lands at a rate per animal unit month, except that no fee will be charged for a free-use license. Fees for any fee year, consisting of a grazing fee for use of the range and a range improvement fee, will be published as a notice in the FEDERAL REGISTER.

(ii) Fees will be established by the Secretary in nine equal annual increments, effective with the fee year beginning March 1, 1971, to attain the fair market value of range forage at the 1979 fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by a similar study which may be conducted periodically to update the fee base, if deemed necessary. Annual adjustments may also be made for any of the 1970–79 fee years, and thereafter, to reflect current market values.

(iii) A minimum annual charge of $10 will be made on all regular licenses, permits, nonrenewable licenses, and crossing permits, except as specified in subdivision (vi) of this subparagraph.

(iv) Range improvement fees may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management and any State or Federal agency, or any person, association, corporation, or otherwise.

(v) All livestock 6 months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued, or for which an allotment management plan has been approved. No fees will be charged for livestock under 6 months of age.

(vi) Upon application filed with the District Manager, by any person showing the necessity for crossing the Federal range with livestock for proper and lawful purposes, a crossing permit may be issued. Charges are payable in advance at the same rate charged for regular grazing use, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

(2) *Payment of fees.* (i) No regular license or permit shall be issued or renewed until payment of all fees due the United States under these regulations have been made. Grazing privileges may be canceled or reduced, in accordance with paragraph (d) of this section, for failure to pay the required fees. Fees for regular licenses and permits are due the United States upon issuance of a fee notice and are payable in full in advance before grazing use is authorized; except that where grazing is authorized on the basis of an approved allotment management plan, which includes grazing system requirements necessary to assure proper management of the public land and its resources, the District Manager may either:

(*a*) Issue a fee notice upon termination of the grazing period authorized. The fee notice will reflect the actual grazing use made and will be payable within 30 days of the date of issuance, or

(*b*) Issue a fee notice on the basis of the normal operation detailed in the allotment management plan. Such fees are due the United States upon issuance and are payable in full in advance before grazing use is authorized. At the conclusion of the authorized grazing period the actual grazing use will be determined. A supplemental billing reflecting additional use must be paid within 30 days of issuance. A refund or credit may be made toward the following year's fees for use less than the normal operation. Ordinarily, no adjustment will be made when the amount is under $5.

(ii) Any licensee or permittee who desires a change in grazing use authorized pursuant to any of the provisions of this section must file, in advance, a written request for such change, except when in conformance with an approved allotment management plan. Upon approval of change, an adjusted billing notice will be issued.

(3) *Refunds.* No refund will be made for failure to use all grazing privileges represented by a license or permit, except that:

(i) During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease during the life of a regular license or permit, fees due may be reduced in whole or in part, credited or refunded; or fee payment may be postponed for such periods so long as the emergency exists.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1030; Amdt. 4]

PART 1033—CAR SERVICE

Chicago, Rock Island, and Pacific Railroad Company Authorized To Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of June 1970.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211, 15250, 35 F.R. 5334), and good cause appearing therefor:

It is ordered, That: § 1033.1030 *Service Order No. 1030* (Chicago, Rock Island, and Pacific Railroad Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1970.

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

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

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8362; Filed, June 30, 1970; 8:49 a.m.]

[Ex Parte No. MC-37 (Sub-No. 12)]

PART 1048—COMMERCIAL ZONES

Seattle-Tacoma, Wash., Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 10th day of June 1970.

It appearing, That on March 23, 1948, the Commission, Division 5, made and entered its report, 48 M.C.C. 95, and order establishing the zone adjacent to and commercially a part of Seattle, Wash. (49 CFR 1048.24), and that on November 26, 1946, the Commission, Division 5, made and entered its report, 46 M.C.C. 665, and order establishing a population-mileage formula for the zones adjacent to and commercially a part of each municipality in the United States, with certain exceptions which did not include Tacoma, Wash. (49 CFR 1048.-101);

It further appearing, That by amended petition, filed January 22, 1968, the Seattle Traffic Association seeks redefinition and extension in certain respects of the Seattle and Tacoma, Wash., commercial zones; that a hearing thereon has been held; and that the examiner in his report and recommended order found that the Seattle commercial zone should be expanded to a certain extent and that the Tacoma commercial zone should not be expanded; and good cause appearing therefor:

It is ordered, That the motion filed November 24, 1969, jointly by Gus and Henry Vander Pol, doing business as Oak Harbor Freight Lines, Edmonds-Alderwood Auto Freight Co., Pozzi Brothers Transportation, Inc., Hogland Transfer Co., Inter-City Auto Freight, Inc., and National Transfer, Inc., to strike portions of petitioner's and its supporting intervener's exceptions be, and they are hereby denied.

It is further ordered, That proceedings in the report and order of March 23, 1948, insofar as it relates to the zone adjacent to and commercially a part of Seattle, Wash., and the report and order of November 26, 1946, insofar as it relates to the commercial zone of Tacoma, Wash., be and they are hereby, reopened for reconsideration;

It is further ordered, That § 1048.24 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1048.24 Seattle, Wash.

The zone adjacent to and commercially a part of Seattle, Wash., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for continuous carriage or shipments to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The municipality of Seattle itself.

(b) All points within a line drawn 5 miles beyond the municipal limits of Seattle, except points on Bainbridge Island, Vashon Island, and Blake Island.

(c) All points more than 5 miles beyond the municipal limits of Seattle within a line as follows: Beginning at the junction of the southern corporate limits of Kent, Wash., and Washington Highway 181, and extending south along Washington Highway 181 to the northern corporate limits of Auburn, Wash., thence west, south, and east along the corporate limits of Auburn, Wash., to its junction with Washington Highway 167, thence north along Washington Highway 167 to its junction with the southern corporate limits of Kent, Wash., including all points on the highways named.

(d) All points more than 5 miles beyond the municipal limits of Seattle within a line as follows: Beginning at the junction of the northern corporate limits of Lynwood, Wash., and U.S. Highway 99, thence north along U.S. Highway 99 to its junction with Washington Highway 525, thence along Washington Highway 525 to its junction with West Casino Road, thence east along West Casino Road to the western boundary of the Everett facilities of the Boeing Co. at or near 40th Avenue West, thence along the western, northern and eastern boundaries of the facilities of the Boeing Co. to West Casino Road, thence east along West Casino Road to its junction with U.S. Highway 99 thence south along U.S. Highway 99 to 112th Street, thence easterly along 112th Street to its junction with Interstate Highway 5, thence southerly along Interstate Highway 5 to its intersection with the present zone limits, including all points on the named routes.

(e) All of any municipality any part of which is within the limits set forth in (b) above.

(f) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the city of Seattle or by any municipality included under the terms of (b) above.

(49 Stat. 543, as amended; 544, as amended; 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on August 10, 1970, and shall continue in effect until further order of the Commission.

It is further ordered, That the petition, except to the extent granted herein be, and it is hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission at Washington, D.C., and filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8363; Filed, June 30, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Lime Reg. 28, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective no later than July 1, 1970, because market prices for fresh limes declined severely. Hence, a higher minimum grade regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable

supply while providing consumers with more desirable limes of better quality.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 1, 1970. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 28 (35 F.R. 6699) and unless sooner terminated, will continue to be so regulated through April 30, 1971; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 1, 1970, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on June 25, 1970, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 911.330 (Lime Regulation 28; 35 F.R. 6699), the introductory text of paragraph (a), and subparagraphs (2) and (3) thereof are amended to read as follows; paragraphs (b) and (c) thereof are renumbered paragraphs (c) and (d), respectively; and a new paragraph (b) is added reading as follows:

§ 911.330 Lime Regulation 28.

(a) During the period July 1, 1970, through July 5, 1970, no handler shall handle:

* * * * *

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. No. 1; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearrs, and similar varieties) which are of a size smaller than 2 inches in diameter.

(b) During the period July 6, 1970, through April 30, 1971, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least 85 percent U.S. No. 1 quality, except as to color: *Provided,* That not less than an aggregate area of three-fourths of the surface of each fruit shall meet the minimum color requirement for "mixed color": *And provided further,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet color requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

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

Dated: June 29, 1970, to become effective July 1, 1970.

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

[F.R. Doc. 70-8467; Filed, June 30, 1970; 3:51 a.m.]

[Pear Reg. 1]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Pear Commodity Committee reflect its appraisal of the 1970 California pear crop and the prospective marketing factors affecting the supply of and demand for pears by grades and sizes thereof. The volume of the developing California pear crop and the size and quality of the fruit are such that the minimum size and grade requirements, hereinafter specified, are necessary to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable pears to fresh market outlets and (2) provide consumers with pears of the most desirable size and quality. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 2, 1970. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 19, 1970, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.422 Pear Regulation 1.

Order. (a) During the period July 2, 1970, through December 31, 1970, no handler shall ship:

(1) Any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless at least 80 percent, by count, of the pears contained in such box or container grade at least U.S. No. 1 with the remainder thereof grading not less than U.S. No. 2;

(2) Any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 165: *Provided,* That

a handler may ship, during any day from any shipping point, a quantity of such pears which are smaller than the size known commercially as size 165 if (i) such smaller pears are not smaller than the size known commercially as size 180 and (ii) the quantity of such smaller pears shipped from such shipping point does not, at the end of any day during the aforesaid period, exceed 5.263 percent of such handler's total shipments of such pears, shipped from the same shipping point, which are not smaller than the size known commercially as size 165; or

(3) Any box or container of pears of any variety unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety".

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than 5¾ pounds.

(3) "Size known commercially as size 180" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the 21 smallest pears weighing not less than 5 pounds.

(4) "Standard pear box" means the container so designated in section 43599 of the Agricultural Code of California.

(5) "U.S. No. 1", "U.S. No. 2", and "standard pack" shall have the same meaning as when used in the U.S. Standards for Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

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

Dated: June 29, 1970.

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

[F.R. Doc. 70–8468; Filed, June 30, 1970; 8:51 a.m.]

[Apricot Reg. 6, Amdt. 1]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Container Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling, beyond the continental boundaries of the United States, of apricots grown in designated counties in Washington.

Order. In § 922.306 (Apricot Regulation 6; 7 CFR 922.306), the period at the end of paragraph (a)(4) is changed to "; or", a new paragraph (a)(5) is added, and paragraph (b) is amended to read as follows:

§ 922.306 Apricot Regulation 6.

(a) * * *

(4) In closed containers that are marked "12 pounds net weight" and contain not less than 12 pounds, net weight, of apricots which are of random size and are not row-faced; or

(5) If exported to Canada, in any of the containers specified in this paragraph (a) or in containers having inside dimensions of 16⅛ x 11½ inches with 4¾-inch end pieces and 3¾-inch side pieces.

(b) Notwithstanding any other provisions of this section, any individual shipment of apricots which, in the aggregate, does not exceed 500 pounds, net weight, may be handled without regard to the requirements specified in this section or in § 922.41 or § 922.55.

* * * * *

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

Dated: June 26, 1970, to become effective July 1, 1970.

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

[F.R. Doc. 70–8420; Filed, June 29, 1970; 12:28 p.m.]

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

[Milk Order No. 94; Docket No. AO–103–A30]

PART 1094—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, La., marketing area.

Upon the basis of the evidence introduce at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued May 20, 1970, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued June 19, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

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

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

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New Orleans, La., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

Subpart—Order Regulating Handling

DEFINITIONS

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1094.2 Secretary.
1094.3 Department of Agriculture.
1094.4 Cooperative association.
1094.5 Person.
1094.6 New Orleans marketing area.
1094.7 Route.
1094.8 Distributing plant.
1094.9 Supply plant.
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1094.40 Skim milk and butterfat to be classified.
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1094.60 Producer-handler exemption.
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1094.70 Computation of the net pool obligation of each pool handler.
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1094.80 Time and method of payments to producers.
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1094.90 Base-operating period.
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EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1094.100 Effective time.
1094.101 Suspension or termination.
1094.102 Continuing obligations.
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MISCELLANEOUS PROVISIONS

1094.110 Agents.
1094.111 Separability of provisions.

AUTHORITY: The provisions of this Part 1094 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1094.1 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.).

§ 1094.2 Secretary.

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

§ 1094.3 Department of Agriculture.

Department of Agriculture means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 1094.4 Cooperative association.

Cooperative association means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1932, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1094.5 Person.

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

§ 1094.6 New Orleans marketing area.

New Orleans marketing area, hereinafter referred to as the marketing area means all territory; including incorporated municipalities within Jefferson Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne Parishes all in the State of Louisiana.

§ 1094.7 Route.

"Route" means any delivery of a fluid milk product from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any milk or filled milk receiving and/or processing plant.

§ 1094.8 Distributing plant.

Distributing plant means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 1094.9 Supply plant.

Supply plant means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1094.10 Pool plant.

Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1094.63(a), from which during the month:

(1) Disposition in the marketing area of fluid milk products, except filled milk, on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of milk from dairy farmers which is eligible for distribution in the marketing area under a Grade A label is moved to and received at a pool plant(s) described in paragraph (a) of this section; and

(c) Any supply plant that was a pool plant during each of the months of September through November immediately preceding shall continue to be a pool plant the following month of December unless written notice to the contrary is filed by the handler with the market administrator on or before the first day of such month; and any supply plant that was a pool plant pursuant to paragraph (b) of this section, during each of the months of September through November and also during either the month of December or the month of January immediately preceding shall continue to be a pool plant the following months of January or February through August, as the case may be, unless the operator notifies the market administrator in writing before the first day of any such month of its intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant except in any month it qualifies as a supply plant pursuant to paragraph (b) of this section.

(d) A plant, other than a distributing plant, which is operated by a cooperative association and which does not meet the requirements of paragraphs (b) or (c) of this section, in any month in which the volume of milk received at pool distributing plants directly from member-producers of such cooperative association is not less than 50 percent of the total pounds of such association's member-producer milk (including that received at such plant), if written request is made to the market administrator by the cooperative association prior to or during the month that the plant be a pool plant pursuant to this provision for the month, or for each month, such request to be effective until withdrawn.

§ 1094.11 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

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

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

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

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

§ 1094.12 Handler.

Handler means:

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

(b) Any person who operates a partially regulated distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1094.14; or

(d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association and the transferee handler both notify the market administrator, in writing, prior to the time of delivery that the transferee handler is to be held the responsible handler for such milk. Such milk shall be deemed to have been received by the association from producers at a pool plant at the location of the pool plant at which such milk is physically received.

(e) A producer-handler, or any person who operates an other order plant described in § 1094.63.

§ 1094.13 Producer-handler.

"Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s) and which has no receipts of milk products other than fluid milk products disposed of as Class I milk.

§ 1094.14 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant (except milk received by diversion from a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act, and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provisions of § 1094.46(b)) or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted.

(a) To the pool plant of another handler;

(b) To a nonpool plant (except that diversion to an other order plant shall be limited to Class II use) during any month(s) of December and February through August;

(c) Except as provided in subparagraphs (1) and (2) of this paragraph, to a nonpool plant (except that diversion to an other order plant shall be limited to Class II use) during each month of January and September through November, but not more than 15 days production of any dairy farmer during any such month: *Provided,* That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:

(1) A cooperative association may divert for its account the milk of any member-producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member-producer milk physically received at all pool plants during the month: *Provided,* That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk physically received at such pool plant during the month: *Provided,* That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

§ 1094.15 Producer milk.

"Producer milk" means milk received at a pool plant directly from producers or diverted pursuant to § 1094.14: *Provided,* That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provisions of § 1094.46 (b) shall not be producer milk.

§ 1094.16 Other source milk.

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

(a) Receipts of fluid milk products during the month, except:

(1) Fluid milk products received from pool plants;

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 1094.12(d); and

(3) Producer milk.

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 1094.34.

§ 1094.17 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

§ 1094.18 Chicago butter price.

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

§ 1094.19 Base and excess milk.

(a) Base milk means milk received at pool plants from a producer during any of the months of the base-operating period of each year which is not in excess of such producer's daily average base computed pursuant to § 1094.92 multiplied by the number of days in such month.

(b) Excess milk means milk received at pool plant(s) from a producer during any of the months of the base-operating period of each year in excess of such producer's base milk.

§ 1094.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1094.20 Designation.

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

§ 1094.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1094.22 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 § 1094.86:

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

(2) His own compensation, and

(3) All other expenses (except those incurred under § 1094.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1094.30 and 1094.31, or payments pursuant to §§ 1094.80, 1094.82, 1094.84, 1094.85 and 1094.86.

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

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

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association

which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

(k) On or before the date specified, publicly announce and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price and the Class II butterfat differential, both for the preceding month:

(2) The 11th day of each month, the applicable uniform price computed pursuant to §§ 1094.72 through 1094.74 and the butterfat differential computed pursuant to § 1094.75 both for the preceding month.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1094.46(a)(8) and the corresponding step of § 1094.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator, of the other order, as soon as possible after the report of reciepts 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 § 1094.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler 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

§ 1094.30 Reports of receipts and utilization.

On or before the 5th day of each month each handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 1094.12 (c) or (d) shall report the quantities of skim milk and butterfat contained in:

(1) Producer milk, and for each month of the base-operating period, the total quantities of base and excess milk received;

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 1094.12(d);

(3) Fluid milk products received from other pool plants;

(4) Other source milk;

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

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including a separate statement with respect to Class I milk disposed of inside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk.

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

(b) Each handler specified in § 1094.12 (b) who operates a partially regulated distributing plant shall report in the same manner as required in paragraph (a) of this section with respect to all receipts and utilization, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk and base and excess milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk.

§ 1094.31 Payroll reports.

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1094.12 (c) or (d) shall report their producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producers and for the base-operating period the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

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

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

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 1094.80(b) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 25th day of each month the total pounds of milk received during the first 15 days of the month.

(2) On or before the 7th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the base-operating period, and the average butterfat test thereof; and

(ii) The amount, rate and nature of any deductions.

(c) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1094.62(b) shall report to the market administrator on or before the 20th day after the end of the month his payments to dairy farmers qualified to be producers as if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk received;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 1094.32 Other reports.

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

(b) Each handler who operates an other order plant with disposition of fluid milk products on routes in the marketing area shall report such disposition to the market administrator on or before the 7th day after the end of each month.

§ 1094.34 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 and 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 products handled;

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

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

§ 1094.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notifications 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 OF MILK

§ 1094.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported for pool plants pursuant to § 1094.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1094.41 through 1094.46.

§ 1094.41 Classes of utilization.

Subject to the conditions set forth in §§ 1094.42 through 1094.46, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of fluid milk products, except those classified as Class II milk pursuant to (b) (3), (4), and (5) of this section: *Provided,* That if any fluid milk products are fortified by the addition of nonfat milk solids the extent of classification of such products as Class I milk shall be an equal volume of the unmodified product of the same butterfat test; and (2) 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) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as dumped skim milk, provided the market administrator is notified in advance and given opportunity to verify such dumping;

(4) Disposed of as skim milk and used for livestock feed; and

(5) That portion of fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1094.42(b) (1), but not to exceed the following:

(i) Two percent of fluid milk products received directly from producers; plus

(ii) One and one-half percent of fluid milk products received in bulk from pool plants of other handlers; plus

(iii) One and one-half percent of fluid milk products received from a cooperative association which is the handler for such milk pursuant to §1094.12 (d); 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 operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of fluid milk products disposed of in bulk to plants of other handlers and to nonpool plants; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1094.42(b) (2).

§ 1094.42 Shrinkage.

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

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

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

(1) Items specified in § 1094.41(b) (6) (i) through (v); and

(2) Remaining receipts of other source milk in bulk.

§ 1094.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1094.44 Transfers.

Skim milk and butterfat transferred or diverted from a pool plant (including milk transferred by a cooperative association in its capacity as a handler pursuant to § 1094.12(d)) in the form of a fluid milk product shall be classified as follows:

(a) Except as provided in paragraph (f) of this section, at the utilization indicated by the operators of both plants if such fluid milk products are moved in bulk to a pool plant, otherwise as Class I milk, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1094.46(a) (8) and the corresponding step of § 1094.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1094.46(a) (3) and the corresponding step of § 1094.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1094.46(a) (7) or (8) and the corresponding steps of § 1094.46(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 such fluid milk products are moved to a plant operated by a producer-handler;

(c) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream, or diverted, 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 assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1094.30 for the month within which such transaction occurred;

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

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

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

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

(iii) Remaining Class I utilization (exclusive of transfers to Federal order plants) shall be assigned first to the receipts from dairy farmers who the market administrator determine constitute the regular source of supply of Grade A milk for such nonpool plant, and all remaining Class I utilization shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

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

(e) Unless a different utilization is claimed by both handlers pursuant to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association in its capacity as the operator of a pool plant or a handler pursuant to § 1094.12(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such months at the pool plant of the receiving handler after the computations pursuant to § 1094.46(a) (9) and the corresponding step of § 1094.46(b).

§ 1094.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 1094.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at all pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat mlik solids contained in such product, plus all of the water originally associated with such solids.

§ 1094.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1094.45, the market administrator shall determine the classification of producer milk for each handler as follows:

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

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1094.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

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

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

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, 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 (except filled milk) for which Grade A certification is not established and receipts of fluid milk products from unidentified sources;

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

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

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

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph _____:

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

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1094.12(d) and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler; and

(iii) Receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order;

(5) 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 on hand at the beginning of the month;

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

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1094.22(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

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

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1094.12(d), according to the classification assigned pursuant to § 1094.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1094.44(e); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amounts 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

§ 1094.50 Basic formula price.

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

§ 1094.51 Class prices.

Subject to the provisions of §§ 1094.52 and 1094.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.65, plus 20 cents.

(b) *Class II milk prices.* The Class II milk price during the months of September through January shall be the basic formula price for the month computed pursuant to § 1094.50 and during all other months shall be the basic formula price minus 10 cents but not less than a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price for the month;

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

through the 25th day of the current month; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent. The result shall be the Class II price except as provided in subparagraph (4) of this paragraph.

(4) If the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph exceeds the basic formula price, the basic formula price shall be the Class II price.

§ 1094.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1094.51 shall be increased or decreased respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 1094.53 Location differentials to handlers.

(a) For that milk which is received from producers or from a cooperative association as a handler pursuant to § 1094.12(d) at a pool plant more than 50 miles by shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana, and utilized 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 price specified in § 1094.51(a) 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:

	Rate per hundredweight (cents)
Zones measured from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana (miles):	
More than 50 but not more than 60	13.5
Each additional 10 miles or fraction thereof	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment 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.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

§ 1094.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1094.60 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1094.32, 1094.34, and 1094.35.

§ 1094.62 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 §§ 1094.30(b) and 1094.31(c) 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 § 1094.70 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, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1094.70(e) and a credit in the amount specified in § 1094.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1094.30(b) and 1094.31(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 § 1094.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

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

(b) An amount computed as follows:

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

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) Received from a nonpool plant which is not an other order plant to the extent that an equivalent amount disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

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

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

§ 1094.63 Plants subject to other Federal orders.

The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 1094.32, 1094.34 and 1094.35 and as specified in paragraph (c):

(a) Any distributing plant which would be subject to the classification and

pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk, except filled milk, is disposed of during the month on routes in the New Orleans marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 1094.10(c).

(c) Each handler operating a plant specified in paragraph (a) of this section if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

DETERMINATION OF PRICES TO PRODUCERS

§ 1094.70 Computation of the net pool obligation of each pool handler.

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

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1094.46(c), by the applicable class prices (adjusted pursuant to §§ 1094.52 and 1094.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1094.46(a)(11) and the corresponding step of § 1094.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat substracted from Class I pursuant to § 1094.46(a)(5) and the corresponding step of § 1094.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1094.46(a)(3) and the corresponding step of § 1094.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1094.46 (a)(3)(iv) and (v) and the corresponding steps of § 1094.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1094.46(a)(7) and the corresponding step of § 1094.46(b) (excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

§ 1094.71 Computation of the 3.5 percent value of all milk.

For each month, the market administrator shall compute the 3.5 percent value of all milk specified in § 1094.72, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1094.70 except those of handlers who failed to make payments required pursuant to § 1094.80 through § 1094.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1094.76;

(c) Subtract, if the average butterfat content of the milk specified in § 1094.72 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 § 1094.75 and multiplying the result by the total hundredweight of such milk;

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

§ 1094.72 Weighted average and uniform price.

For each month the market administrator shall make the following computation:

(a) Divide the amount computed pursuant to paragraphs (a) through (d) in § 1094.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to § 1094.71(a); and

(2) The total hundredweight for which a value is computed pursuant to § 1094.70(e);

(b) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of August through January;

§ 1094.73 Uniform excess milk price.

For each of the months of February through July the market administrator shall compute the uniform price for excess milk containing 3.5 percent butterfat as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 1094.71(a) by the price for 3.5 percent Class II milk pursuant to § 1094.51(b);

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 3.5 percent Class I utilization pursuant to § 1094.51 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 1094.74 Uniform base milk price.

For each of the months of February through July the market administrator shall compute the uniform price for base milk containing 3.5 percent butterfat received from producers as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) Subtract the total value arrived at in paragraph (a) of this section from the total 3.5 percent value of all producer milk arrived at in § 1094.71;

(c) From the amount resulting from the computations pursuant to paragraph (b) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in § 1094.72(a)(2) by the weighted average price;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price per hundredweight for base milk of 3.5 percent butterfat received from producers.

§ 1094.75 Producer butterfat differential.

In making payments pursuant to § 1094.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 1094.52 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 1094.76 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk and the uniform price for base milk received at a pool plant shall be reduced according to the location of the pool plant, each at the rates set forth in § 1094.53(a);

(b) For purposes of computations pursuant to §§ 1094.82 and 1094.83 the weighted average price shall be adjusted at the rates set forth in § 1094.53(a) applicable at the location of the nonpool plant from which the milk was received.

§ 1094.77 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler receiving milk from producers, who submitted the report(s) prescribed in § 1094.30, at his last known address a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amounts and value of his base and excess milk, respectively;

(c) The weighted average and uniform price(s) computed pursuant to §§ 1094.72 through 1094.74 and the butterfat differential computed pursuant to § 1094.75;

(d) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(e) The totals of the minimum amounts to be paid by such handler pursuant to §§ 1094.85 and 1094.86.

PAYMENTS

§ 1094.80 Time and method of payments to producers.

(a) Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer, who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II milk price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price(s) computed pursuant to § 1094.72 or to §§ 1094.73 and 1094.74, as the case may be, subject to the following adjustments:

(i) The butterfat differential pursuant to § 1094.75;

(ii) The location differential pursuant to § 1094.76;

(iii) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(iv) Less marketing services deductions made pursuant to § 1094.85;

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

(vi) Less deductions authorized in writing by such producer; and

(vii) If by such date such handler has not received full payment from the market administrator pursuant to § 1094.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Each handler shall furnish to the producer the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer during the first 15 days of such month;

(2) On or before the 15th day of the following month (i) the pounds of milk received from the producer each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments, and (iv) the amount and nature of payments due pursuant to § 1094.84.

(c) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler:

(1) Shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, on or before the 2d day prior to the date on which payments are due individual producers, an amount equal to not less than the amount due such certified members as determined pursuant to paragraph (a) of this section;

(2) Report to the cooperative association on or before the 25th day of the month, the pounds of milk received from each member of the cooperative association during the first 15 days of such month and on or before the 7th day of the following month to the cooperative association for its individual members the following information: (i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the pounds of base and excess milk received, (iii) the amount (or rate) and nature of deductions made from payments and (iv) the amount and nature of payments due pursuant to § 1094.84.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

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

(d) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 1094.12(a) and § 1094.12(d) as follows:

(1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from any cooperative association during the first 15 days of the current month; and

(2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices plus the amount due the market administrator from the cooperative association on such milk pursuant to § 1094.86, less amounts paid pursuant to subparagraph (1) of this paragraph.

§ 1094.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1094.62, 1094.63, 1094.82, and 1094.84, and out of which he shall make all payments pursuant to §§ 1094.83 and 1094.84: *Provided*, That, any payments due to any handler shall be offset by any payments due from such handler.

§ 1094.82 Payments to the producer-settlement fund.

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

(a) The total of the net pool obligation computed pursuant to § 1094.70 for such handlers; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1094.72 and 1094.73 adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1094.70(e).

§ 1094.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1094.82(b) exceeds the amount computed pursuant to § 1094.82(a). If at such time 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 appropriate funds are available.

§ 1094.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a 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.

§ 1094.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1094.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

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

§ 1094.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may, from time to time, prescribe, to be announced by the market administrator on or before the 11th day after the end of such month, with respect to all skim milk and butterfat received by such handler in:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1094.46(a) (3) and (7) and the corresponding steps of § 1094.46(b), except such other source milk on which no handler obligation applies pursuant to § 1094.70(e); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1094.62 (b)(2).

§ 1094.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

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

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the 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.

DETERMINATION OF BASE

§ 1094.90 Base-operating period.

The base-operating period shall be the months of February through July.

§ 1094.91 Base-forming period.

The base-forming period shall be the months of September through January immediately preceding the base-operating period.

§ 1094.92 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the base-forming period by the number of days in such period.

§ 1094.93 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculted pursuant to § 1094.92 to each person for whose account producer milk was delivered to pool plants during the months of the base-forming period: *Provided,* That in the case of a pool plant which did not qualify as a pool plant during each month of the base-forming period, but which is a pool plant during any of the months of the base-operating period, bases shall be assigned to each person for whose account milk was delivered to such plant at the time such plant becomes a pool plant in the same manner as if such plant were a pool plant during the base-forming period.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be signed by the base-holder, or his heirs, 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 the receipt of such application signed by all joint

holders or their heirs, and by the person to whom such base is to be transferred.

§ 1094.94 Announcement of established bases.

On or before March 1 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily base established by such producer, except that for March 1960 the announcement of such bases shall be on or before March 31, 1960.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1094.100 Effective time.

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

§ 1094.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1094.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, 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.

§ 1094.103 Liquidation.

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

MISCELLANEOUS PROVISIONS

§ 1094.110 Agents.

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

§ 1094.111 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.

Effective date. July 1, 1970.

Signed at Washington, D.C., on June 25, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-8326; Filed, June 30, 1970; 8:45 a.m.]

[Milk Order No. 103; Docket No. AO-346-A12]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the oder effective not later than July 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued May 20, 1970, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued June 19, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

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

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

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

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AUTHORITY: The provisions of this Part 1103 issued under secs. 1–19, 48 Stat., 31 as amended: 7 U.S.C. 601–674.

DEFINITIONS

§ 1103.1 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.).

§ 1103.2 Secretary.

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

§ 1103.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1103.4 Person.

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

§ 1103.5 Cooperative association.

"Cooperative association" means any cooperative marketing association 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.

§ 1103.6 Mississippi marketing area.

The "Mississippi marketing area" hereinafter called the "marketing area", means all of the territory geographically within the places listed below, all waterfront facilities connected therewith and all territory wholly or partially therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments all in the State of Mississippi:

COUNTIES

Adams.
Attala.
Bolivar.
Calhoun (Beats 1 and 4 only).
Carroll.
Choctaw.
Claiborne.
Clarke.
Coahoma (Beats 4 and 5 only).
Copiah.
Covington.
Forrest.
Franklin.
George.
Greene.
Grenada.
Hancock.
Harrison.
Hinds.
Holmes.
Humphreys.
Jackson.
Jasper.
Jefferson.
Jefferson Davis.
Jones.
Lamar.
Lauderdale.
Lawrence.
Leake.
Leflore.
Lincoln.
Lowndes.
Madison.
Marion.
Montgomery.
Neshoba.
Newton.
Noxubee.
Oktibbeha.
Pearl River.
Perry.
Quitman (Beats 2, 3, 4, and 5 and the village of Crowder including that portion in Panola County).
Rankin.
Scott.
Sharkey.
Simpson.
Smith.
Stone.
Sunflower.
Tallahatchie.
Walthall.
Warren.
Washington.
Wayne.
Webster (except Beat 5).
Winston.
Yazoo.
Yalobusha (Beats 1, 4, and 5 only).

§ 1103.7 Route disposition.

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

§ 1103.8 Plant.

"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 (including filled milk) are received and/or processed or packaged: *Provided*, That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1103.9 Distributing plant.

"Distributing plant" means a plant from which fluid milk products, eligible for distribution under a Grade A label are disposed of during the month as route disposition in the marketing area.

§ 1103.10 Supply plant.

"Supply plant" means a plant from which fluid milk products, eligible for distribution under a Grade A label, are moved during the month to a distributing plant.

§ 1103.11 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products, except filled milk, is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products, except filled milk;

(b) A supply plant from which a volume of fluid milk products, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition (not including filled milk): *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet

the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

(c) A nondistributing plant, which is operated by a cooperative association and which does not meet the shipping requirements of paragraph (b) of this section, in any month in which the volume of milk received at pool distributing plants directly from member producers of such cooperative association is not less than 60 percent of the total pounds of such association's member producer milk (including that received at such nondistributing plant), except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

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

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

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which 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 from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

§ 1103.13 Handler.

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

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

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1103.15;

(d) A cooperative association with respect to the milk of any member producer which it causes to be delivered to a pool plant in a tank truck owned and operated by or under contract to such cooperative association for the account of such cooperative association, if the cooperative association, prior to delivery, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for such milk. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(e) Any person in his capacity as the operator of an unregulated supply plant; and

(f) A producer-handler, or any person who operates an other order plant pursuant to § 1103.61.

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant at which no milk or other fluid milk products are received during the month except his own production and which has no receipts of nonfluid milk products which are used to reconstitute fluid milk products: *Provided,* That such person establishes that the maintenance, care and management of all resources necessary to produce the entire volume of fluid milk products handled and all facilities necessary for operations as a handler are each the personal enterprise and risk of such person.

§ 1103.15 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant (except milk received by diversion from a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act and which is allocated to Class II pursuant to § 1103.46(a)(4)(iv) and the corresponding provisions of § 1103.46(b)) or by a cooperative association pursuant to § 1103.13(d), or is diverted pursuant to paragraphs (a) through (e) of this section: *Provided,* That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted and: *Provided further,* That if a handler, diverting milk pursuant to paragraph (d) or (e) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) and: *Provided also,* That if a handler diverting milk pursuant to paragraph (c) 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:

(a) Diverted by the operator of a pool plant to another pool plant;

(b) Diverted to a nonpool plant(s) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August pursuant to subparagraphs (1) through (4) of this paragraph: *Provided,* That diversion to an other order plant shall be limited to Class II use;

(1) Diverted as milk of a dairy farmer whose milk is received for at least 10 days of production at pool plants during the month unless diverted pursuant to subparagraph (2) or (3) of this paragraph;

(2) Diverted as milk of a member of a cooperative association not diverting pursuant to subparagraph (1) of this paragraph, for the account of such cooperative association, if milk of the dairy farmer is delivered to a pool plant for at least 1 day's production during the month and the total quantity so diverted by the cooperative for all producer members does not exceed 50 percent of the volume of Grade A milk from all producer members of such cooperative received at pool plants during the month;

(3) Diverted as milk of a dairy farmer not a member of a cooperative association for the account of a handler as the operator of a pool plant(s) not diverting pursuant to subparagraph (1) of this paragraph if milk of the dairy farmer is delivered to the handler's pool plant(s) for at least 1 day's production during the month and the total quantity so diverted by the handler from his pool plant(s) for nonmember producers does not exceed 50 percent of the total Grade A receipts of milk at his pool plant(s) from nonmember producers during the month;

(4) A dairy farmer shall be a producer with respect to only his milk received at a pool plant if delivery of milk of his production to nonpool plants does not comply with the limitations of subparagraphs (1), (2), and (3) of this paragraph. In the case of a handler diverting pursuant to subparagraphs (2) and (3) of this paragraph, if milk of the dairy farmers is moved to nonpool plants in a total quantity exceeding the percentages specified, the diverting handler shall designate the dairy farmers whose milk is not to be producer milk diverted pursuant to such subparagraph (2) or (3) of this paragraph and the quantities excluded for each dairy farmer. If the handler fails to make such designation the dairy farmers shall be producers only with respect to their milk delivered to pool plants.

(c) Diverted to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) for not more than 10 days' production during any month of September through November except that this paragraph shall not be applicable if: (1) In the case of a cooperative association all of the diversion of milk of member producers by such cooperative association during the month fall within the limits prescribed in paragraph (d) 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 (e) of this section;

(d) Diverted during any month of September through November to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 30 percent

of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) of a producer who is not a member of a cooperative association, for the account of a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember producers so diverted does not exceed 30 percent of the total Grade A receipts of milk at such plant from nonmember producers.

§ 1103.16. Producer milk.

"Producer milk" means only the skim or butterfat contained in milk (a) received at a pool plant(s) directly from a producer (except that milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act and which is allocated to Class II pursuant to § 1103.46(a)(4)(iv) and the corresponding provisions of § 1103.46(b) shall not be producer milk), (b) diverted in accordance with the provisions of § 1103.15 to the pool plant of another pool handler or to a nonpool plant, or (c) received by a cooperative association pursuant to § 1103.13(d).

§ 1103.17 Other source milk.

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

(a) Receipts during the month in the form of fluid milk products, except (1) such products which are received from other pool plants, (2) producer milk, (3) milk received from a cooperative association for which it is the handler pursuant to § 1103.13(d), and (4) inventory of fluid milk products at the beginning of the month; and

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

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk and concentrated skim milk, other than bulk condensed) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, sterilized products contained in hermetically sealed cans, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided*, That when any such milk product is fortified with nonfat milk solids 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 unfortified product of the same nature and butterfat content.

§ 1103.19 Chicago butter price.

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

§ 1103.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent of nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1103.20 Designation.

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

§ 1103.21 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 necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1103.22 Duties.

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

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

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

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

(d) Pay out of the funds provided by § 1103.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1103.94) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

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

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

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

(1) On or before the sixth day of each month, the minimum price for Class I milk computed pursuant to § 1103.51(a) and the Class I butterfat differential computed pursuant to § 1103.52(a), both for the current month and the minimum price for Class II milk computed pursuant to § 1103.51(b) and the Class II butterfat differential computed pursuant to § 1103.52(b), both for the previous month;

(2) On or before the 10th day after the end of each month the applicable weighted average price or uniform price computed pursuant to § 1103.71, and the butterfat differential computed pursuant to § 1103.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler;

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(l) On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1103.30, at his last known address, a

statement showing any of the applicable following values:

(1) The amount and value of his producer milk in each class and the totals thereof;

(2) [Reserved]

(3) The amounts to be paid by such handler pursuant to §§ 1103.62, 1103.93(a), 1103.94(a), 1103.95, 1103.97 and 1103.99 and the amount due such handler pursuant to §§ 1103.93 and 1103.98;

(m) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1103.46(a)(8) and the corresponding step of § 1103.46(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 § 1103.46 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

§ 1103.30 Reports of receipts and utilization.

(a) On or before the sixth day after the end of each month each handler, for each of his pool plants, and each cooperative association which is a handler pursuant to § 1103.13 (c) or (d) shall deliver to the market administrator a report in the detail and on the form prescribed by the market administrator showing the following:

(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 from cooperative associations which are handlers pursuant to § 1103.13(d);

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form;

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route of disposition of fluid milk products outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

(3) Such other information with respect to sources and utilization of skim milk and butterfat as the market administer may prescribe;

(b) Each handler specified in § 1103.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

(c) Each handler operating an unregulated supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) Each pool handler, with respect to fluid milk products disposed of for animal feed shall report to the market administrator such information and at such time as the market administrator may require.

§ 1103.31 Payroll reports.

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1103.13 (c) or (d), shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and, if not previously reported, address of each producer;

(2) The daily and total pounds of milk received from such producer;

(3) The number of days on which milk was received from such producer;

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

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 1103.90(c) shall report to such cooperative association with respect to each such producer as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions; and

(c) On or before the 20th day after the end of the month each handler operating a partially regulated distributing plant except one who elects at the time of reporting pursuant to § 1103.30 to make payments pursuant to § 1103.62(b) shall report his payments to dairy farmers qualified to be producers as if such plant were a pool plant showing for each such dairy farmer;

(1) The pounds of milk received;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 1103.32 Other reports.

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

§ 1103.33 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 (including filled milk) handled;

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

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

§ 1103.34 Retention of records.

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

CLASSIFICATION

§ 1103.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1103.30 shall be classified pursuant to the provisions of §§ 1103.41 through 1103.46.

§ 1103.41 Classes of utilization.

Subject to the conditions set forth in §§ 1103.42 through 1103.46 the classes of utilization shall be as follows:

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

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section;

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

(3) Not accounted for as Class II milk; and

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

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

(2) Contained in fluid milk products dumped, provided that the market administrator is notified during the usual hours of business and not less than 4 hours prior to dumping and is given opportunity to verify such dumping;

(3) Disposed of for livestock feed if the conditions of § 1103.30(d) are met;

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

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1103.13(d) as follows:

(i) Two percent of receipts of skim milk and butterfat directly from producers; plus

(ii) One and one-half percent of fluid milk products received in bulk (except bulk cream) from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 1103.13(d) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1103.13(d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2 percent; plus

(iii) One and one-half percent of recepits of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) One and one-half percent of bulk transfers of fluid milk products (except bulk cream) and diversions to a pool plant of other handlers (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests as provided in subdivision (ii) of this subparagraph, the percentage on such milk shall be 2 percent); less

(vi) One and one-half percent of bulk transfers or diversion in the form of fluid milk products to nonpool plants; plus

(vii) Shrinkage on other source milk determined pursuant to § 1103.42(b)(2); and

(6) Skim milk contained in any fortified fluid milk products in excess of the pounds of skim milk in such product classified as Class I pursuant to paragraph (a) of this section by virtue of the proviso of § 1103.18.

§ 1103.42 Assignment of shrinkage.

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

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

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

(1) Receipts specified in § 1103.41 (b)(5) (i) through (iv); and

(2) Remaining receipts of other source milk in the form of fluid milk products in bulk.

§ 1103.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

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

§ 1103.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization reported pursuant to § 1103.30 by the transferor and transferee handlers, if transferred or diverted in bulk from a pool plant to another pool plant or transferred by a cooperative association in its capacity as a handler pursuant to § 1103.13(d), to a pool plant of another handler, otherwise as Class I milk, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1103.46(a)(8) and the corresponding step of § 1103.46 (b);

(2) If the transferor plant received during the month, other source milk to be allocated pursuant to § 1103.46(a)(3) 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 § 1103.46(a) (7) or (8) and the corresponding steps of § 1103.46(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; and

(4) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1103.13(d) is not claimed by both handlers, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1103.46(a)(8) and the corresponding step of § 1103.46(b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to this paragraph;

(b) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream or diverted 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 assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1103.30 for the month within which such transaction occurred;

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

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

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

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

(iii) Remaining Class I utilization (exclusive of transfers to Federal order plants) shall be assigned first to the receipts from dairy farmers who the market administrator determine constitute the regular source of supply of Grade A milk for such nonpool plant, and all remaining Class I utilization shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

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

(c) As follows, if transferred or diverted (pursuant to § 1103.15), to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (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 or diverted 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 the transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II 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 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, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat 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 § 1103.41.

§ 1103.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *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 disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1103.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1103.45, the market administrator shall determine the classification of producer milk received 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 classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1103.41(b)(5) (i) through (vi);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

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

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

(2–a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) 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 (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

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

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

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

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this subparagraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I 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, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

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

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler; and

(iv) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

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

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

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of

skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4) (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 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;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (3)(v) or (4)(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 § 1103.22(m); 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) 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 plant at which received;

(iii) Except as provided in subdivision (ii), 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;

(9) 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 as a handler pursuant to § 1103.13(d) according to the classification assigned pursuant to § 1103.44(a); and

(10) 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

§ 1103.50 Basic formula price.

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

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The minimum Class I price for the month shall be the basic formula price for the preceding month plus $2.27, plus 20 cents.

(b) *Class II milk prices.* The Class II milk price during the months of September through January shall be the basic formula price for the month computed pursuant to § 1103.50 and during all other months shall be the basic formula price minus 10 cents but not less than a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price for the month;

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

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent. The result shall be the Class II price except as provided in subparagraph (4) of this parargaph.

(4) If the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph exceeds the basic formula price, the basic formula price shall be the Class II price.

§ 1103.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1103.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

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

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant or at such plant from a cooperative association as a handler pursuant to § 1103.13 (d) 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 price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location:	*Rate per hundredweight (cents)*
(1) For milk received at a pool plant located in the Mississippi marketing area except that part in George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone Counties	16.0
(2) For milk received at a pool plant located outside the marketing area, and:	
(i) More than 60 but not more than 160 miles from the courthouse in Gulfport, or Pascagoula, Miss., whichever is nearer	10.0
(ii) For 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 Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13 (d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment 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.

§ 1103.54 Use of equivalent prices

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

APPLICATION OF PROVISIONS

§ 1103.60 Producer-handler.

Sections 1103.42 through 1103.46, 1103.50 through 1103.54, 1103.61, 1103.62, 1103.70 through 1103.72, 1103.80 through 1103.83 and 1103.90 through 1103.99 shall not apply to a producer-handler.

§ 1103.61 Plants subject to other Federal orders.

In the case of a handler in his capacaity as the operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in such other Federal order marketing area than is disposed of as route dispositions in this marketing area; except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1103.30 and 1103.31) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area at the Class I price under this part applicable at the location of the other order and substract its value at the Class II price, but in no event shall such adjustment result in a Class I price lower than the Class II price.

§ 1103.62 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 §§ 1103.30(b) and 1103.31(c) the information necessary to compute the amount specified in paragraph (a), 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 § 1103.70 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, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1103.70(e) and a credit in the amount specified in § 1103.97(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1103.30(b) and 1103.31(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 § 1103.11(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

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

(b) An amount computed as follows:

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

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of an other order issued pursuant to the Act; and

(ii) Received from a nonpool plant which is not an other order plant to the extent that an equivalent amount disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(3) Deduct from the remainder the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

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

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk subtracted pursuant to subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

DETERMINATION OF PRICES TO PRODUCERS

§ 1103.70 Computation of the net pool obligation of each pool handler.

For each month the market administrator shall compute the obligation of each handler operating a pool plant(s) and cooperative association acting as a handler pursuant to § 1103.13 (c) or (d) by making the computations provided in

paragraphs (a) through (e) of this section and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1103.46(c), by the applicable class prices (adjusted pursuant to §§ 1103.52 and 1103.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1103.46(a)(10) and the corresponding step of § 1103.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(5) and the corresponding step of § 1103.46(b);

(c–1) Add an amount determined by multiplying the difference between the Class I price for the preceding month, and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(2–a) and the corresponding step of § 1103.46(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 § 1103.46(a)(3) and the corresponding step of § 1103.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1103.46 (a)(3)(iv) and (v) and the corresponding steps of § 1103.46(b) the Class I price shall be adjusted to the location of the transferor plant, but in no event shall such adjustment result in a Class I price lower than the Class II price; and

(e) With respect to skim milk and butterfat subtracted from the Class I pursuant to § 1103.46(a)(7) and the corresponding step of § 1103.46(b) (excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers under this or any other order isued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

§ 1103.71 Computation of the weighted average price and uniform price.

For each month the market administrator shall compute the weighted average price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1103.70 for all handlers specified in § 1103.13 (a), (c), and (d) who filed reports prescribed by § 1103.30, and who made payments pursuant to § 1103.90 and § 1103.97 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included under paragraph (e) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 3.5 percent by the butterfat differential computed pursuant to § 1103.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1103.92;

(d) Add not less than one-half of the unobligated balance on hand in the producer-settlement fund;

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

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1103.70 (e); and

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

The result shall be the "weighted average price" or the "uniform price" for milk received from producers.

PAYMENTS

§ 1103.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price pursuant to § 1103.71 adjusted by the producer butterfat differential computed pursuant to § 1103.91, subject to the location adjustment to producers pursuant to § 1103.92, and less the following amounts:

(1) The payments made pursuant to paragraph (b) of this section;

(2) Marketing service deductions pursuant to § 1103.94; and

(3) Any proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1103.98 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the last day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment equal to the Class II price for the preceding month for milk testing 3.5 percent butterfat multiplied by the hundredweight of milk received from such producer during the first 15 days of the current month.

(c) To a cooperative association which has filed request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On on before the 26th day of the month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

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

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

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

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

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1103.94, together with a description of the respective deduction; and

(6) The net amount of payment to the producer; or

(e) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 26th day of each month an amount equal to not less than the Class II price for 3.5 percent milk for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month during which the milk was received an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

§ 1103.91 Producer butterfat differential.

In making payments pursuant to § 1103.90, the uniform price(s) shall be

increased or decreased for each one-tenth of one percent that the butterfat content in milk received from each producer is above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 1103.52 weighted by the pounds of butterfat in producer milk in each class rounded to the nearest one-tenth cent.

§ 1103.92 Location differential to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1103.90, the uniform price pursuant to § 1103.71 to be paid for milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1103.53; and

(b) For purposes of computations pursuant to §§ 1103.97 and 1103.98 the weighted average price shall be adjusted at the rates set forth in § 1103.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1103.93 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products 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 under which such error occurred.

§ 1103.94 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1103.90(a), shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of the milk for producers who are not receiving such services from a cooperative association. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to such cooperative association.

§ 1103.95 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1103.13(d), shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1103.46(a) (3) and (7) and the corresponding steps of § 1103.46(b), except such other source milk on which no handler obligation applies pursuant to § 1103.70(e);

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1103.62 (b)(2); and

(d) Milk received from a cooperative association in its capacity as a handler pursuant to § 1103.13(d).

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all applicable payments made by handlers pursuant to §§ 1103.61, 1103.62, 1103.93(a), and 1103.97, and out of which he shall make all applicable payments pursuant to §§ 1103.93(b) and 1103.98: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1103.97 Payments to the producer-settlement fund.

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

(a) The total of the net pool obligation computed pursuant to § 1103.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1103.90; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1103.70(e).

§ 1103.98 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1103.97(b) exceeds the amount computed pursuant to § 1103.97(a). If, at such time, 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 appropriate funds are available.

§ 1103.99 Overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1103.62, 1103.93(a), 1103.94(a), 1103.95 or 1103.97 shall be increased one-half of 1 percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

§ 1103.100 Termination of obligations.

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

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

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were 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 such producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

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

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section,

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

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

MISCELLANEOUS PROVISIONS

§ 1103.105 Effective time.

The provision 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 § 1103.106.

§ 1103.106 Suspension or termination.

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

§ 1103.107 Continuing obligations.

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

§ 1103.108 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 assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 1103.109 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.

§ 1103.110 Separability of provisions.

If any provision of this part, or its application to any persons 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.

Effective date: July 1, 1970.

Signed at Washington, D.C., on June 25, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-8327; Filed June 30, 1970; 8:45 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

Part 1822, Title 7, Code of Federal Regulations is amended by adding a new Subpart G, reading as follows:

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

Sec.
1822.261 General.
1822.262 Objective.
1822.263 Definitions.
1822.264 Eligibility requirements.
1822.265 Loan purposes.
1822.266 Limitations.
1822.267 Special conditions.
1822.268 Rates, terms, and sources of funds.
1822.269 Security.
1822.270 Technical, legal, and other services.
1822.271 Processing applications.
1822.272 Approval or disapproval of a loan.
1822.273 Actions subsequent to loan approval.
1822.274 Loan closing.
1822.275 Actions after sites are developed.
1822.276 Subsequent RHS loans.
1822.277 Complaints regarding discrimination in opportunity to buy developed sites.
1822.278 Special requirements for RHS section 503 loans (loans to organizations providing sites for self-help housing).

AUTHORITY: The provisions of this Subpart G issued under sec. 523, 82 Stat. 553, 42 U.S.C. 1490C; sec. 524, 83 Stat. 399; sec. 502, 63 Stat. 433, as amended, 42 U.S.C. 1472; sec. 101(a), 82 Stat. 477, 12 U.S.C. 17152; sec. 201, 82 Stat. 498, U.S.C. 17152–1; Orders of Sec. of Agr., 29 F.R. 16210, 32 F.R. 6650.

§ 1822.261 General.

(This subpart is modified by Subparts E, K, and Y of Part 1890 of this chapter.) This subpart sets forth the policies and procedures and delegates authority for making Rural Housing Site (RHS) loans under sections 523 and 524 of the Housing Act of 1949. Section 523 loans are direct loans for the purchase and development of building sites for housing to be built by the self-help method; they have additional requirements which are contained in § 1822.278.

§ 1822.262 Objective.

The basic objective of RHS loans is to assist public or private nonprofit organizations interested in providing sites for housing, to acquire and develop land in rural areas. This land will be subdivided into adequate building sites and sold on a nonprofit basis to (a) families eligible for low and moderate income section 502 Rural Housing (RH) loans, including self-help housing; (b) cooperative Rural Cooperative Housing (RCH) applicants and broadly based nonprofit Rural Rental Housing (RRH) applicants; and (c) applicants eligible for Housing and Urban Development (HUD) sections 235 and 236 insured mortgages.

§ 1822.263 Definitions.

As used in this subpart:

(a) A "private nonprofit organization" is a corporation which: is owned and controlled by private persons; is organized and operated for purposes other than making gains or profits for the corporation or members; and, is legally precluded from distributing to its members any gains or profits.

(b) A "public nonprofit organization" is a nonprofit corporation other than a private nonprofit corporation, including a municipal corporation or other corporate agency of a State or local government.

(c) "Rural areas" means open country or places of 5,500 persons or less which are not part of or associated with urban areas and are further defined in § 1822.3(c).

(d) "Development cost" means the cost of purchasing and developing the sites including engineering and legal fees, streets, roads, utilities, minimum essential administrative costs, necessary equipment and estimated interest which the borrower cannot pay from other sources.

(e) "RHS section 523 loan" means a loan to an organization which will provide sites for housing to be built by the self-help method.

(f) "RHS section 524 loan" means a loan to an organization which will provide sites for housing to be built with no limitation as to the method of construction that will be used.

(g) "OGC" means the Office of the General Counsel, including the regional attorney or attorney in charge serving the State in which the RHS project is located.

§ 1822.264 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RHS loan, the applicant must be a private or public nonprofit organization as defined in § 1822.263 (a) or (b) which is authorized to provide housing sites on a nonprofit basis.

(1) If it is a private nonprofit organization as defined in § 1822.263(a), it should also:

(i) Have a membership of at least 10 community leaders.

(ii) Plan to adopt, if it is being newly organized, articles of incorporation and bylaws that generally conform to model articles and bylaws provided by the State director which will be consistent with State law and with changes appropriate to the purposes and powers of an eligible applicant under this subpart.

(b) *Authorized representative of applicant.* The Farmers Home Administration (FHA) will deal only with the applicant or bona fide representative of the applicant or the representative's technical advisors. An authorized representative of the applicant must have no pecuniary interest in the award of the engineering, architectural or construction contracts, necessary equipment, or the purchase or development of the land.

§ 1822.265 Loan purposes.

RHS loans may be made to qualified applicants:

(a) For the purchase and development of adequate sites, including the construction of essential access roads, streets, utility lines, and necessary equipment which will become a permanent part of the development. If public water and waste disposal facilities are not available and cannot reasonably be provided on a community basis with other financing, including FHA Water and Waste Disposal Association loans, funds may be included for this purpose.

(b) For the payment of necessary engineering fees, legal fees, and closing costs.

(c) For the payment of actual cash cost of incidental administrative expenses such as postage, telephone, advertising, and temporary secretarial help, if funds to pay these expenses are not otherwise available. The estimated cost of these items should be identified and shown in the budget.

(d) To provide for needed landscaping, planting, seeding, or sodding, or other necessary facilities related to buildings such as walks, parking areas, and driveways.

(e) To pay estimated interest which the applicant cannot pay from other sources.

§ 1822.266 Limitations.

(a) *Loan limits.* No RHS loan(s) will be made to any applicant which will result in the applicant's owing an unpaid principal balance of more than $100,000 on such loan(s) unless prior authorization for a larger loan is obtained from the national office. No such loan will exceed the development cost as defined in § 1822.263(d), or the value of the property as improved with the loan. These limitations also apply to cases in which the same persons hold a majority of the membership interests or constitute a majority of the directors of two or more applicants.

(b) *Limitations of use of loan funds.* Loans will not be made for:

(1) The purchase of land in excess of the immediate and identified needs in the locality.

(2) The purchase of land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without prior consent of the national office.

(3) Refinancing of debts, except in accordance with paragraph (e) of this section.

(4) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(5) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member or agent of an applicant, except as provided in § 1822.265(b). No contract or agreement for services to be paid for with loan

funds should be executed by the applicant without prior approval by the State director.

(c) *Sale of developed sites.* The developed sites may be sold only to:

(1) Families having a low or moderate income who qualify for a section 502 RH loan or a section 235 HUD insured mortgage; or,

(2) Nonprofit organizations eligible for an RRH or RCH loan or a HUD section 236 insured mortgage.

(d) *Suitability of sites.* Sites will meet the requirements of the planned use; for example, individual housing or multiple housing or any combination thereof. Building sites must be well located and designed to provide a desirable living environment. Generally a loan will not be made for the development of less than 10 units, but they need not be contiguous.

(e) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the county supervisor will advise the applicant that development work must not be started and obligations for work, materials, or land purchase must not be incurred before the loan is closed. If, nevertheless, the applicant incurs obligations for work, materials, or land purchase before the loan is closed, the State director may authorize the use of loan funds to pay such obligations only when he finds that all the following conditions exist:

(1) The obligations were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such obligations from its own resources or to obtain credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The obligations were incurred for authorized loan purposes.

(4) Contracts, materials, development and any land purchase meet FHA standards and requirements.

(5) Payment of the obligations will remove any liens which have attached, and any basis for liens that may attach, to the property on account of such obligations or such work, materials, or land purchase.

§ 1822.267 Special conditions.

(a) *Evidence of need.* Loans will be made on the basis of the applicant providing firm information as to the number of sites to be developed and evidence of a need for the proposed building sites in the locality.

(b) *Nondiscrimination.* The borrower will be required to agree not to discriminate or permit discrimination, in accordance with section 3 of the loan resolution form "((Rural Housing Site' Loan to Nonprofit Corporation)," available at all FHA offices.

(c) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government. County supervisors will counsel with applicants in selecting locations that will provide essential services and facilities and will result in the development of desirable residential communities.

(d) *Loan resolution.* A Loan Resolution will be adopted by the applicant's Board of Directors or similar governing body using a form entitled, "((Rural Housing Site) Loan to Nonprofit Corporation)" available at all FHA offices. If any provisions are not appropriate to a particular case, proposed substitute language should be submitted to the national office with the recommendations of the State director.

(e) *Development policies.* Development will be planned and performed in accordance with Subpart A, Part 1804 of this chapter, and certain information in a guide entitled "Planning and Developing Building Sites" available at all FHA offices.

(f) *Water and waste disposal facilities.* If public water and waste disposal facilities are not available and these facilities will be provided on a community basis with funds included in the RHS loan or with other financing, provision should be made to form an organization with members who will provide continuing maintenance and management of facilities. The cost of the facilities should be considered as a cost of developing the sites and included in the price charged for the lots when they are sold.

(g) *Compliance with local codes and regulations.* Planning and development of sites will be for housing that will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(h) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 regarding options will be followed. After the loan is approved, the county supervisor will have Form FHA 440-35, "Form Letter—Acceptance of Option," or other appropriate form of acceptance, completed, signed by the applicant, and mailed to the seller.

(i) *Use of and accountability for loan funds.* Supervised bank accounts will not be used except when their requirement is made or authorized by the State director for cases where adequate bonding is not available. If a supervised bank account is used, collateral for deposits of funds will be pledged when the supervised bank account exceeds $20,000. All loan funds and funds from other sources to be used to pay the development costs of the site, as well as proceeds from the sale of any sites, will be deposited in a bank which is a member of the Federal Deposit Insurance Corporation. The county supervisor will see that funds for land purchase are paid to the seller simultaneously with loan closing. After the loan is closed, monthly reports will be provided to FHA of all disbursements made and income received by the borrower. Reports for each month will be submitted to the FHA county office during the first 10 days of the next month. No expenditures will be made without prior FHA consent for items which are not included in the FHA approved development cost estimate or for amounts greater than those set forth in such estimate.

(j) *Insurance.* The State director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Suitable workman's compensation insurance will be carried by the applicant for all its employees.

(2) The applicant will be advised of the possibility of incurring liability and encouraged, or required when appropriate, to obtain liability insurance.

(k) *Bonding.* (1) Approved corporate surety bonds will be required in all cases involving a development contract in excess of $20,000, unless an exception is made by the national office. In other cases, the county supervisor will determine whether a surety bond is required.

(2) The applicant will provide fidelity bond coverage for its officers and employees entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily saleable personal property. The amount of the bond will be at least equal to the maximum amount of such funds including funds in bank accounts, and property that the applicant will have in its possession or control at any one time. If permitted by State law, the United States will be named coobligee in the bond. Form FHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.268 Rates, terms, and source of funds.

(a) *Interest.* Current information regarding interest rates may be obtained from any county or State office of the Farmers Home Administration or from its national office at 14th and Independence Avenue SW., Washington, D.C. 20250.

(b) *Repayment period.* Final payment will be due 2 years after the date of the loan. When necessary to carry out the loan purposes, the national office may authorize extension of maturity dates. As lots are sold before the final due date of the note, the proceeds of the sales will be applied on the account or any prior lien, or, with the prior approval of the national office, used in a manner consistent with the purposes of the loan and the security interest of the Government.

(c) *Source of funds.* Loans under this subpart will be made as insured loans, except that loans under § 1822.278 to develop building sites for sale in connection with self-help projects will be made as direct loans.

§ 1822.269 Security.

Each loan will be secured by a mortgage on the property purchased or improved with the loan, and a security interest in the funds held by the corporation in trust for the Government, in accordance with the provisions of the required Loan Resolution.

§ 1822.270 Technical, legal, and other services.

(a) *Appraisals.* The property will be appraised by an FHA employee authorized to make real estate appraisals. The appraisal will consist of a narrative statement prepared and signed by the

authorized employee describing in detail the items considered in arriving at the value of the property. Two values will be established by the appraiser:

(1) The fair market value of the total property "as is."

(2) The aggregate fair market value of the building sites after development.

(i) In determining the value of the property, the appraiser will consider the value and selling prices of similar building sites in the area. The selling prices of similar sites must be fully documented.

(b) *Title clearance and legal services.* For a loan to a public nonprofit organization, title clearance and legal services will be obtained in accordance with instructions from the OGC, observing the provisions of Part 1807 of this chapter, insofar as feasible. For a loan to a private nonprofit organization, the provisions of Part 1807 of this chapter regarding title clearance and legal services will apply. The applicant will be encouraged to have the same designated attorney, where practicable, perform the title clearance work in connection with the purchase of land and the sale of the individual sites.

(c) *Contracts for legal services.* On projects requiring more legal services than are customarily required for title clearance alone, the applicant will be required to have a written contract when loan funds will be used for legal services. All such contracts will be subject to review and approval by the State director and therefore should be submitted to him before execution by the applicant. Contracts will provide for the types of service to be performed and the amount of fees to be paid either in lump sum on the completion of all services or in installments as services are performed.

(d) *Engineering services.* On projects requiring engineering services, a written contract will be required between the engineer and the borrower. All such contracts will be subject to review and approval by the State director and therefore should be submitted to him before execution by the applicant. The form of contract must conform with standard professional practices and describe the types of services to be performed and fees to be paid.

§ 1822.271 Processing applications.

(a) *Application.* The application will be in the form of a letter to the county supervisor with the following information included in or attached to the letter:

(1) Name and address of applicant.

(2) A copy of, or an accurate citation to, the specific provisions of State law under which the applicant is organized; a copy of the applicant's articles of incorporation, bylaws, and other authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if another organization is a member of the applicant organization its name, address, and principal business.

(3) A current, dated, and signed financial statement showing assets, and liabilities, together with information on the repayment schedule and status of each debt.

(4) Evidence of inability to obtain credit from other sources.

(5) General description of the project.

(i) Location and size of tract or tracts to be bought and/or developed.

(ii) Number and size of individual sites planned together with a detailed plot plan.

(iii) Preliminary engineering plans, if available.

(6) Estimated cost and amount of loan needed.

(7) Explanation of applicant's financial contribution to the project.

(8) A map showing the location of and other supporting information on neighborhood and existing facilities such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply available or planned, and access to essential services such as doctors, dentists, and hospitals.

(9) If facilities such as water and sewage systems, paved streets, and utilities are not currently available, information on when and how they will be provided.

(10) Evidence of the need for the proposed sites in the locality by low- and moderate-income families and other qualified applicants that are likely to be able to obtain financing for a home.

(b) *County supervisor's review and evaluation of applications.* The county supervisor will:

(1) Determine that the applicant meets the eligibility requirements of § 1822.264.

(2) Verify that the information provided is accurate and complete.

(3) Determine that:

(i) The sites will be located in a good residential area and that essential facilities and services will be provided.

(ii) The lots will be reasonable in cost and of a type FHA can appropriately finance.

(iii) There is an immediate and ready market for the proposed sites in the planned location.

(iv) The total number of sites planned does not exceed the number of loans the county supervisor can reasonably expect to include in the rural housing program or for which other credit is reasonably assured when the sites are developed.

(v) Proposed subdivisions will comply with the local codes and ordinances and also meet the requirements of the guide "Planning and Developing Building Sites" available at all FHA offices.

(4) Evaluate the manner in which the applicant plans to conduct its business and financial affairs.

(5) Comment on the background of the members, directors and officials.

(6) If he has questions about the proposal, send the incomplete docket to the State office for advice.

(7) If for any reason the loan cannot be made, inform the applicant.

(c) *Completion of the docket.* If the county supervisor determines that the applicant is eligible and the loan will be sound and proper, he should request the applicant to make any needed revisions. In addition to the items required in the application the docket must include:

(1) A plot plan and detailed preliminary plans and specifications for development of the building sites.

(2) A detailed cost breakdown of the project for such items as land and rights-of-way, utility installations or connections, on-site improvements, engineering and legal services, and estimated interest.

(3) If water and sanitary facilities are not publicly owned, a complete statement as to how they will be provided and details about their ownership and operation.

(4) Satisfactory evidence of review and approval of the proposed development by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(d) *Preparation of docket forms—*(1) *Record of actions.* Form FHA 440–3, "Record of Actions," will be prepared in the normal manner except that in the "Type of Assistance" section the "other" block will be checked and "RHS sec. 524" or "RHS sec. 523" inserted in the blank space. For an RHS section 524 loan the "Insurance Fund" block will be checked in the "Source of Funds" section; for an RHS section 523 loan the "direct" block will be checked. The interest rates for both section 524 and section 523 loans will be as provided by current information regarding interest rates which may be obtained from any county or State office of the Farmers House Administration or from its national office at 14th and Independence Avenue SW., Washington, D.C. 20250.

(2) *County committee certification or recommendation.* Before executing Form FHA 440–2, "County Committee Certification or Recommendation," the county committee will consider all pertinent information concerning the applicant and the proposed project, and will be given an opportunity to talk with the applicant's representative if the committee desires to do so. Form FHA 440–2 will be completed by checking the "other" block in the "Type of Assistance" section and inserting "RHS" in the blank, and also typing as item 10 the following, "For RHS assistance, we certify the amount of $_____."

(3) *Fund analysis.* Form FHA 444–5, "RRH–RCH–LH Fund Analysis," will be completed by adding in the "Type of Assistance" block, the following: "6. RHS loan." Items 1 and 2 of Part I of the form will be left blank, with items 3 through 9 being completed when appropriate. The only entry to be made in Part II of this form will be in the "Number of Units" block of section A. In the blank space in this block, show the number of sites that will be offered for sale by adding the following: "_____ sites."

(4) *Payment authorization.* Form FHA 440–1, "Payment Authorization," will be completed in the normal manner, except that the "Type of Assistance" will be completed by inserting "RHS—sec. 524—Initial" or "RHS—sec. 524 Subsequent"; or "RHS—sec. 523—Initial" or

"RHS—sec. 523—Subsequent"; the "Number of Installments" will be "1"; and the "First Installment Due" block will have inserted the phrase "2 years from note date."

(e) *Loan docket items.* The loan docket will consist of the following prepared and executed forms or documents as appropriate:

Application letter and attachments.
Evidence of legal authority (copy or citation of specific provisions of State statutory authority).
Proof of organization (certified copy of articles of incorporation).
Certified copy of bylaws.
List of names and addresses of officers, directors and members.
Narrative plan and other supporting information.
Evidence of need.
Certified copy of loan resolution—"(Rural Housing Site) Loan to Nonprofit Corporation)".
FHA 400-4 Nondiscrimination Agreement.
FHA 400-1 Equal Opportunity Agreement (when applicable).
FHA 400-2 Equal Opportunity Clause (when applicable).
Survey of land given as security plans, specifications, cost estimates, and proposed manner of development.
Operating budget (if administrative expenses are to be included in loan).
Appraisal report with attachments.
Preliminary title opinion and a final title opinion or a title insurance binder and a mortgage title insurance policy.
Option or copy of deed, purchase contract, or other instrument of ownership.
FHA 440-3 Record of Actions.
FHA 440-2 County Committee Certification or Recommendation.
FHA 444-5 RRH-RCH-LH Fund Analysis.
FHA 440-1 Payment Authorization.
FHA 440-37 Notice of Approval (Financial Assistance).

(f) *Submission of complete docket.* The complete docket will be sent to the State office together with the county supervisor's comments and recommendations and a draft for a press release.

(g) *State office action.* The State director is authorized to approve or disapprove RHS loans in accordance with this subpart. The State director may redelegate approval authority to qualified State office employees other than district supervisors. When a docket or preliminary application is received in the State office, the State director will:

(1) Utilize the services of technicians on his staff and from other agencies in evaluating the application.

(2) Review the applicant's articles of incorporation and bylaws. If they conform to approved forms for the State as provided in § 1822.264(a)(1)(ii), the State director need not obtain a preliminary opinion from the OGC. In all other cases the State director will, and in any case may, submit the docket with any comments or questions he may have, to the OGC for a preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart.

(3) If additional information is needed to adequately evaluate the application, return the loan docket to the county supervisor with his comments and recommendations for further processing.

(4) If the docket is sufficiently complete to enable him to determine that the applicant is eligible and the loan would be sound and proper, issue a proposed memorandum of approval listing any specific conditions that must be met before loan closing.

(5) If the applicant is not eligible or the loan would not be sound and proper and the deficiencies cannot be corrected, inform the county supervisor accordingly.

§ 1822.272 Approval or disapproval of a loan.

(a) *Approval.* When a loan is approved the approval official, in addition to reviewing the docket and determining that all requirements are met, will:

(1) Prepare Form FHA 440-3. Indicate on Form FHA 440-3, including all copies, any conditions that must be met at or before the time the loan is closed, including the amount of surety and fidelity bond coverage and other insurance, the title evidence and any other special requirements. If more space is needed, Form FHA 440-3 will be supplemented by a memorandum.

(2) Sign the original and two copies of completed Form FHA 440-3, and insert his title in the space provided.

(3) After completing Form FHA 440-1, sign the original and insert his title in the space provided.

(4) Prepare and sign Form FHA 440-37, "Notice of Approval (Financial Assistance)," and mail it on the day it and Form FHA 440-1 are signed.

(5) After the loan is approved, distribute the contents of the docket in accordance with normal procedure.

(b) *Disapproval.* If a loan is disapproved, the reason for such action will be shown on the original Form FHA 440-3, the applicant will be notified of the disapproval and the reasons therefor, and the docket will be handled in the normal manner.

§ 1822.273 Actions subsequent to loan approval.

After the loan is approved, actions to be taken will be in accordance with § 1822.94.

§ 1822.274 Loan closing.

(a) *Applicable instructions.* The complete loan docket will be sent to the OGC for closing instructions. RHS loans will be closed in accordance with applicable provisions of Part 1807 of this chapter, any provisions set forth by the State director which supplement this subpart, and closing instructions of the OGC, and with the assistance of the designated attorney, representative of the title insurance company, or local attorney, whichever is appropriate.

(b) *Mortgage.* Unless the OGC determines the form to be inappropriate, real estate mortgage Form FHA 427-1 (State), "Real Estate _____ for _____ (Insured loans to Individuals)," will be used for all RHS Section 524 loans modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment. Additional paragraphs will be included in the mortgage to read as follows:

Borrower covenants and agrees that it does not and will not decline to sell or otherwise make available to a prospective purchaser because of his race, color, creed or national origin of the properties in the said tract or project. It further agrees to comply with all Federal, State, and local laws and ordinances prohibiting discrimination and that its failure or refusal to comply with this agreement and any such laws or ordinances shall be a proper basis for the Farmers Home Administration (FHA) to reject requests for future business with which borrower is identified or to take other corrective action as it may deem necessary to carry out the requirements of FHA regulations.

This instrument also secures the obligations and covenants of borrower set forth in borrower's loan resolution of (Date), which is hereby incorporated herein by reference.

(c) *Promissory note.* (1) Form FHA 440-22, "Promissory Note (Insured Loan to Non-Tax Exempt Association or Organization)," will be used for RHS insured loans unless legally inappropriate. The following revisions will be made and initialed by persons signing the note:

(i) In the "Kind of Loan" block change "RRH" to "RHS sec. 524."

(ii) The second sentence (lines 7-11) will be revised to read: "The said principal and interest shall be paid at the end of the two (2) years from the date of this note, except that prepayments may be made as provided herein below."

(iii) In the last paragraph, line 3, change "RRH" to "RHS."

(2) The total amount to be shown in the note will be amount of the loan shown on Form FHA 440-3. The note will be dated the date of loan closing.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the county supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower but will be conformed only if required by State law or if it is the custom of other lenders in the area.

(e) *Date of loan closing.* An RHS loan is considered closed when the mortgage is filed of record.

§ 1822.275 Actions after sites are developed.

The building sites will be sold on a nonprofit basis to eligible families or organizations as described in § 1822.266(c).

(a) An option, Form FHA 440-34, "Option to Purchase Real Property," will be executed. The site will be clearly identified by a land survey.

(b) The sale price of each individual site will not be more than a sufficient amount to pay a proportionate part of the RHS loan and any other actual costs of buying, developing, and selling the building site.

(c) The proceeds from sale of the building sites will be applied on the RHS loan and any prior lien or, with the prior approval of the national office, used in a manner consistent with the purposes of the loan and security interest of the Government. The sites will be released from the mortgage in accordance with § 1872.3 or otherwise in accordance with prior approval of the national office.

§ 1822.276 Subsequent RHS loans.

A subsequent RHS loan is an RHS loan to an applicant indebted for an initial RHS loan. Subsequent RHS loans will be made on the same basis as initial RHS loans.

§ 1822.277 Complaints regarding discrimination in opportunity to buy developed sites.

Any applicant wishing to purchase a site financed by an RHS loan who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the county supervisor or State director. Any such complaint will be handled in accordance with § 1822.97.

§ 1822.278 Special requirements for RHS section 523 loans (loans to organizations providing sites for self-help housing).

Loans to organizations which will provide sites for self-help housing (RHS sec. 523 loans) will be made under the provisions of this subpart with the following exceptions:

(a) *Eligibility.* The applicant must be a nonprofit organization engaged in assisting self-help projects.

(b) *Interest.* The interest rate will be 3 percent per annum on the unpaid principal balance.

(c) *Source of funds.* These will be direct loans made from the self-help fund.

(d) *Evidence of need.* Loans to newly formed organizations will be made on the basis of the applicant's providing firm information as to the number of sites to be developed and the names of eligible bona fide prospective purchasers who are assured of available home financing. Loans to organizations currently involved in mutual self-help housing projects may be made without submitting a list of the names of prospective site purchasers. There must, however, be definite evidence that enough families are available who are eligible and who will buy the sites when they are developed.

(e) *Multiple advances.* These loans may be disbursed in not more than three advances over a period not to exceed 18 months from the date of the first advance.

(f) *Note forms.* Form FHA 440–23, "Promissory Note (Direct Loan to Association or Organization)," will be used. Revisions similar to those required in subdivisions (i), (ii), and (iii) of § 1822.274(c)(1) will be made and initialed by the persons signing the note.

(g) *Mortgage.* Unless the OGC determines the form to be inappropriate in any case, real estate mortgage Form FHA 427–2 (State), "Real Estate_____ for _____ (Direct Loan)," will be used, modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment. Additional paragraphs will be included in the mortgage to read as follows:

Borrower covenants and agrees that it does not and will not decline to sell or otherwise make available to a prospective purchaser because of his race, color, creed or national origin any of the properties in the said tract or project. It further agrees to comply with all Federal, State, and local laws and ordinances prohibiting discrimination and that its failure or refusal to comply with this agreement and any such laws or ordinances shall be a proper basis for the Farmers Home Administration (FHA) to reject requests for future business with which borrower is identified or take such other corrective action as it may deem necessary to carry out the requirements of the FHA regulations.

This instrument also secures the obligations and covenants of borrower set forth in borrower's loan resolution of (Date), which is hereby incorporated herein by reference.

Dated: June 24, 1970.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 70–8370; Filed, June 30, 1970; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

IMCO MODEL FORMS FOR USE BY VESSELS IN FOREIGN TRADE

Proposed Adoption

A notice of proposed rulemaking setting forth a proposed amendment to part 4 of the Customs Regulations (19 CFR Part 4), to substitute four standardized model forms developed by the Intergovernmental Maritime Consultative Organization for certain customs forms presently used in connection with the arrival and departure of vessels, was published in the FEDERAL REGISTER for April 1, 1970 (35 F.R. 5405). Comments were invited to be submitted not later than 60 days from the date of publication.

Interested parties have requested additional time within which to submit comments. Accordingly, consideration will be given to any data, views, or arguments pertaining to the proposed amendment to the regulations which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than July 15, 1970.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: June 19, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-8471; Filed, June 30, 1970; 8:51 a.m.]

[19 CFR Part 22]

DRAWBACK

Proof of Export; Extension of Time for the Submission of Comments

JUNE 25, 1970.

The FEDERAL REGISTER published on Thursday, April 23, 1970 (35 F.R. 6505), the proposed rule making relating to proof of export for drawback purposes which concluded with the statement that consideration would be given to any relevant data, views, or arguments submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, received not later than 30 days from the date of publication in the FEDERAL REGISTER.

In accordance with a request that has been received, the time for receiving comments is hereby extended 45 days, and all comments will be considered that are received prior to July 8, 1970.

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

[F.R. Doc. 70-8374; Filed, June 30, 1970; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1030, 1032, 1046, 1049, 1050, 1062, 1099]

[Docket Nos. AO-361-A3, etc.]

MILK IN CHICAGO REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1030	Chicago Regional	AO-361-A3.
1032	Southern Illinois	AO-313-A20.
1046	Louisville-Lexington-Evansville.	AO-123-A37.
1049	Indiana	AO-319-A16.
1050	Central Illinois	AO-355-A9.
1062	St. Louis-Ozarks	AO-10-A42.
1099	Paducah, Ky	AO-183-A24.

Notice is hereby given of a public hearing to be held at the Colony Inn, 7730 Bon Homme Avenue, Clayton, Mo., beginning at 10 a.m., local time, on July 14, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The hearing is called 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).

The purpose of the hearing is to receive 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. Such evidence shall include that which is relative and material to the general subject of milk and milk product classification, including the basis of accounting for components of milk and milk products, interhandler movements, allocations by sources and types of product items, and any changes in class prices as may be necessitated by revisions in the present classification of milk and milk products.

The letter to interested persons inviting proposals for this hearing stated that the Quad Cities-Dubuque order was one of the orders for which a hearing had been requested. At the request of a majority of the producers on the Quad Cities-Dubuque market, a hearing on the Quad Cities-Dubuque order is deferred.

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

Proposed by Associated Milk Producers, Inc., Dairymen, Inc., Mid-America Dairymen, Inc., and Pure Milk Products Co-Operative:

Proposal No. 1. Incorporate in each order a uniform definition "fluid milk product" as follows:

"Fluid milk product" means any product containing 5 percent or more of milk solids (other than sodium caseinate) with less than 9 percent butterfat and 27 percent milk solids-not-fat, but more than 20 percent moisture, all computed on the basis of weight, excluding additives not derived from milk.

Proposal No. 2. Incorporate in each order the following classes of utilization:

(a) Class I milk (shall be all skim milk (including reconstituted or recombined skim milk) and butterfat:

(1) Disposed of as fluid milk products, except:

(i) Fluid milk products in uses classified as Class II milk or Class III milk.

(ii) Fluid milk products to which nonfat milk solids are added shall be Class I milk in an amount equal to the weight of such finished product.

(2) Used to produce yogurt, milk shake, milk shake base, and other flavored mixes which are not further processed in a commercial establishment.

(3) Used to produce concentrated milk, flavored milk, or flavored milk drinks disposed of for fluid consumption.

(4) Not specifically accounted for as Class II milk or Class III milk.

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

(1) Used to produce cottage cheese, cheese dips, Swiss cheese, and any cheese not specifically named in the Class III milk definition.

(2) Disposed of as cream (sweet or sour), plastic cream, aerated cream, frozen cream, and any mixtures of milk, skim milk, or cream containing 9 percent or more of butterfat, anhydrous butterfat and eggnog.

(3) Used to produce frozen dessert mixes, including milk shake and milk shake base for further processing in commercial establishments.

(4) Disposed of as a fluid milk product in bulk to commercial bakeries or food product manufacturing plants (other than dairy plants or filled milk plants) at which food products are processed and packaged and at which establishment there is no disposition of fluid milk products other than those received in consumer packages for consumption on the premises.

(5) Used to produce evaporated milk, evaporated skim milk, condensed milk, and condensed skim milk (sweetened or unsweetened, canned or in bulk), canned liquid diet formulas, and canned liquid formulas for infant feeding.

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

(1) Used to produce dry whole milk, nonfat dry milk, dry whey, dry buttermilk, casein, sodium caseinate, lactose, and other dried products, including food and feed mixes containing 20 percent or less moisture.

(2) Used to produce cheese made by the cheddar process and not surface ripened.

(3) Used to produce butter.

(4) Used to produce condensed whey and buttermilk for animal feed.

(5) In fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator.

(6) That portion of fortified fluid-milk products excluded from Class I milk pursuant to (a) (1) (ii).

(7) Compute shrinkage according to present order provisions.

(8) In inventory of fluid milk products on hand at the end of the month on the premises of a plant or in transit in bulk form.

Proposal No. 3. Incorporate in each order a butterfat differential to handlers and producers for all classes of milk computed by multiplying the Chicago 92-score butter price for the month as reported by the U.S. Department of Agriculture by 0.115.

Proposal No. 4. Amend each order in a manner necessary to exempt, for purposes of classification, pricing, and pooling, any Class II or Class III product received in packages for distribution in the same packages without further processing or converting to another product.

Proposal No. 5. Add the following definition to each order: "Canned" means packaged in hermetically-sealed rigid all-metal or glass containers in which products are processed before or after sealing as to prevent spoilage and containing no live organisms or spores, being determined by testing after storage at 32° C. and 55° C. for 1 week.

(See CFR 21, chapter 1, Part 18.520 and Standard Methods of Examination of Dairy Products, 12th Edition, 1967, chapter 8, page 79).

Proposal No. 6. Amend or provide in each order a definition "other source milk" to include bulk cream and mixtures of milk, skim milk or cream containing 9 percent or more of butterfat (sweet or sour) and frozen cream.

Proposal No. 7. Modify the definition "pool plant" or provisions relied upon for determining pool plant standards under each of the respective orders to use the term "Class I products" instead of "fluid milk products."

Proposal No. 8. Revise in each order the transfer and allocation provisions to classify as Class III, cream and condensed skim milk which is utilized in a Class III product.

Proposal No. 9. Revise in each order the allocation provisions to accommodate 3 classes of utilization and assign producer milk to the highest utilization.

Proposal No. 10. Provide in each order that the price for Class II milk shall be the basic formula price for the month plus 10 cents.

Proposal No. 11. Provide in each order that the Class III price shall be the current Class II price in the respective order.

Proposed by Association of Operating Cooperatives on behalf of Alto Cooperative Creameries, Central Wisconsin Cooperative Dairies, Consolidated Badger Cooperative, Lake-to-Lake Dairy Cooperative, Outagamie Producers Cooperative, Wisconsin Dairies Cooperative:

The following proposals, 12 through 19, are limited to the Chicago Regional, Central Illinois, Southern Illinois, and St. Louis-Ozarks orders.

Proposal No. 12. Define "fluild milk product" in each order as any product containing 5 percent or more of milk solids (other than sodium caseinate) with less than 9-percent butterfat and 27-percent milk solids-not-fat but more than 20-percent moisture, all computed on the basis of weight, excluding additives not derived from milk.

Proposal No. 13. Incorporate in each order the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted or recombined skim milk) and butterfat:

(1) Disposed of as fluid milk products, except:

(i) Fluid milk products in uses classified as Class II milk or Class III milk.

(ii) Fluid milk products to which nonfat milk solids are added shall be Class I milk in an amount equal to the weight of such finished product.

(2) Used to produce yogurt, milk shake, milk shake base, and other flavored mixes which are not further processed in a commercial establishment.

(3) Flavored milk or flavored milk drinks disposed of for fluid consumption, except canned baby foods and canned condensed milk products.

(4) Not specifically accounted for as Class II milk or Class III milk.

(5) Inventory of packaged fluid milk products on the premises of the processing plant at the end of the month.

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

(1) Used to produce cottage cheese, cheese dips, Swiss cheese, and any cheese not specifically named in the Class III milk definition.

(2) Disposed of as cream (sweet or sour), plastic cream, aerated cream, frozen cream and any mixtures of milk, skim milk, or cream containing 9 percent or more of butterfat, anhydrous butterfat and eggnog.

(3) Disposed of as a fluid milk product in bulk to commercial bakeries or food product manufacturing plants (other than dairy plants or filled milk plants) at which food products are processed and packaged and at which establishment there is no disposition of fluid milk products other than those received in consumer packages for consumption on the premises.

(4) That portion of fortified fluid milk products excluded from Class I milk pursuant to (a) (1) (ii).

(5) Used to produce evaporated milk, evaporated skim milk, condensed milk, and condensed skim milk (sweetened or unsweetened, canned or in bulk), canned liquid diet formulas, canned liquid formulas for infant feeding, and canned flavored drinks containing milk solids.

(6) Products containing less than 5-percent milk solids (other than sodium caseinate), computed on the basis of weight excluding additives not derived from milk.

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

(1) Used to produce dry whole milk, nonfat dry milk, dry whey, dry buttermilk, casein, sodium caseinate, lactose, and other dried products, including food and feed mixes containing 20 percent or less moisture.

(2) Used to produce cheese made by the cheddar process and not surface ripened, except that such definition should include Colby cheese, stirred curd, and brick cheese.

(3) Used to produce butter.

(4) Used to produced condensed buttermilk and condensed whey for animal feed.

(5) In shrinkage of skim milk and butterfat not to exceed 2.0 percent of skim milk and butterfat in milk of producers.

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

Proposal No. 14. Incorporate in each order a butterfat differential to handlers and producers for all classes of milk, computed by multiplying the Chicago 92-score butter price for the month as reported by the U.S. Department of Agriculture by 0.115.

Proposal No. 15. Amend each order in a manner necessary to exempt, for purposes of classification, pricing and pooling, any Class II or Class III product received in packages for distribution in the same packages without further processing or converting to another product.

Proposal No. 16. Add the following definition to each order: "Canned" means packaged in hermetically-sealed rigid all-metal containers in which products are processed before or after sealing as to prevent spoilage and containing no live organisms or spores, being determined by testing after storage at 32° C. and 55° C. for 1 week.

(See CFR 21, chapter 1, Part 18.520 and Standard Methods of Examination of Dairy Products, 12th Edition, 1967, chapter 8, page 79.)

Proposal No. 17. Amend or provide in each order a definition "other source milk" to include bulk cream and mixtures of cream and milk or skim milk containing 9 percent or more of butterfat (sweet or sour) and frozen cream.

Proposal No. 18. Provide in each order a price for Class II milk at 10 cents over the Minnesota-Wisconsin series.

Proposal No. 19. Establish in each order a price for Class III milk which will reflect the available returns from the sale of the end products of butter, powder or cheese as follows:

(a) For Class III milk utilized in the manufacture of butter and powder, the class III price shall be the basic formula price for the month: *Provided*, That such Class III price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent, less 1.5 cents (or equivalent) administration charge:

(1) From the average Chicago butter price for the month described in § 1030.18 subtract 3 cents and multiply the remainder by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S. Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

(b) For milk utilized in the manufacture of cheese, the Class III price shall be the basic formula price for the month: *Provided*, That such price shall be not more than the sum of subparagraphs (1), (2), and (3) of this paragraph plus 10 cents, rounded to the nearest cent, less 1.5 cents (or equivalent) administration charge:

(1) From the published price per pound for 40-pound blocks of cheddar cheese at the Green Bay, Wis., exchange deduct 8 cents and multiply the remainder by 9.65;

(2) From the average Chicago butter price for the month described in § 1030.18 subtract 3 cents and multiply the remainder by 0.3; and

(3) Multiply 1.5 cents per pound assembly allowance by 9.65.

Proposed by Land O'Lakes, Inc.:

Proposal No. 20. Amend each order to provide for the following Class III price:

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

(a) Multiply by 4.2 the simple average of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the current month;

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

(c) From the results arrived at under paragraphs (a) and (b), subtract 60 cents and round to the nearest cent.

Proposed by Milk Industry Foundation and International Association of Ice Cream Manufacturers:

Proposal No. 21. Provide in each order a uniform definition of fluid milk products as follows:

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated or reconstituted, provided such products contain 6 percent or more of milk solids (not including sodium caseinate): Milk, skim milk, lowfat milk, milk drinks (including milk shake and milk shake base which are not for further processing and resale), buttermilk, and mixtures of cream and milk or skim milk containing less than 9 percent butterfat.

The term "fluid milk product" shall not include such products as yogurt, eggnog, frozen desserts, milk shake mixes for further processing and resale, dietary products and infant formulas in hermetically sealed containers, and evaporated milk products or condensed milk products in plain or sweetened form.

Proposal No. 22. Provide in each order for the following Class I utilization:

(a) Class I milk shall be all skim milk (including reconstituted or recombined skim milk not including sodium caseinate) and butterfat:

(1) Used in fluid milk products, except:

(i) Any such product fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content.

(2) Not specifically accounted for as Class II milk, or if three classes are established, not specifically accounted for as either Class II or Class III milk.

Proposal No. 23. If only two classes are to be established, provide in each order that skim milk and butterfat used in all other milk products not included in Class I be included in Class II.

Proposal No. 24. If three classes are to be established, provide in each order for the following products among others to be included in Class II and Class III: (The products listed below are only a partial listing and are only those which are produced primarily by the members of the Milk Industry Foundation and the International Association of Ice Cream Manufacturers. The MIF and the IAICM do not want to propose classification for other products manufactured and processed by firms represented by other trade associations with particular interest in those products.)

(b) Class II milk shall include butterfat and skim milk used in:

(1) Yogurt, eggnog, creamed cottage cheese, low fat or partially creamed cottage cheese and cottage cheese curd.

(2) Cream (including aerated or sterilized) and any mixtures of cream and milk or skim milk containing 9 percent or more butterfat.

(c) Class III milk shall include butterfat and skim milk:

(1) Used in frozen cream and milk shake mixes for further processing and resale, frozen desserts, frozen dessert mixes and any other milk products for use as an ingredient for frozen desserts.

(2) Used in sour cream and sour cream mixtures (such as dips and dressings) and puddings.

(3) Used in a fluid milk product delivered in bulk to commercial food product manufacturing plants (other than dairy plants) at which products are processed, and at which establishment there is no disposition of fluid milk products other than those received in consumer packages for consumption on the premises.

(4) Used in fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk under Proposal No. 22.

(5) In each pool plant's shrinkage, including the allocation of plant shrinkage to solids used in fortifying fluid milk products.

(6) In inventory of fluid milk products on hand at the end of the month on the premises of a plant or in transit in bulk form.

(7) Used in products containing less than 6-percent milk solids.

Proposal No. 25. Provide in each order for the lowest use classification to apply to all fluid milk products disposed of for animal feed, or dumped by a handler after notification to and opportunity for verification by the market administrator.

Proposal No. 26. Amend each order in a manner necessary to exempt, for purposes of classification, pricing and pooling, any Class II or Class III product received in packages for distribution in the same packages without further processing or converting to another product.

Proposal No. 27. If three classes are to be established, provide in each order a price for Class II milk to read as follows: The Class II price shall be the Class III price plus not more than 10 cents.

Proposal No. 28. Provide in each order for the announcement of Class II or Class III prices (if three classes are to be established) in advance of the date on which they become effective.

Proposed by Choc-Ola Bottlers, Inc.:

Proposal No. 29. Incorporate in each order a uniform definition of "fluid milk product" as follows:

"Fluid milk product" means any product containing 6 percent or more of milk solids (other than sodium caseinate) with less than 9-percent butterfat and 27-percent milk solids-not-fat but more than 20 percent moisture, all computed on the basis of weight, excluding additives not derived from milk, except:

(1) Skim milk, butterfat, or any mixtures in fluid form of milk, skim milk or cream with or without other ingredients which are packaged in hermetically sealed metal or glass containers; and

(2) Skim milk, butterfat, or any mixtures in fluid form of milk, skim milk or cream with or without other ingredients which are packaged in a container that has a "shelf life" of at least six (6) weeks from date of packaging.

Proposed by Beatrice Foods Co.:

Proposal No. 30. Amend each order in a manner necessary to classify skim milk and butterfat which is finally used in a Class II or Class III product on a final

usage basis rather than on a "used to produce basis".

Proposal No. 31. Amend each order to provide that skim milk and butterfat used to produce candy base which is sold to a food processor for further processing be classified in the lowest classification.

Proposed by National Cheese Institute, Inc.:

Proposal No. 32. Amend each order to provide that milk used to produce any and all natural cheese (except cottage cheese, creamed cottage cheese, low fat or partially creamed cottage cheese, and cottage cheese curd) shall be classified in the lowest class established.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 33. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the respective market administrator of each order or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on June 26, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70–8369; Filed, June 30, 1970; 8:49 a.m.]

[7 CFR Part 1099]

[Docket No. AO 183–A25]

MILK IN PADUCAH MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Continental Inn, Beltline Road and Bridge Avenue, Paducah, Ky., beginning at 9:30 a.m., local time, on July 9, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Paducah marketing area.

The hearing is called 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).

The purpose of the hearing is to receive 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 agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 1.

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

Proposed by Dairymen, Inc.:

Proposal No. 1. Amend § 1099.8 by adding a new paragraph (c) to read as follows:

(c) A plant operated by a cooperative association if, during the month, the sum of the milk received at other pool plants from producers who are members of such cooperative association, plus the milk which was transferred thereto from the plant operated by the cooperative association, is not less than two-thirds of the total volume of milk delivered to all plants by producers who are members of the association.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, Post Office Box 1485, Maryland Heights, Mo. 63042, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 26, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70–8368; Filed, June 30, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 159]

[Docket No. 10402; Notice No. 70–24]

NATIONAL CAPITAL AIRPORTS

Motor Vehicles Carrying Passengers for Hire

The Federal Aviation Administration is considering amending § 159.3 of the Federal Aviation Regulations to provide new rules for persons operating motor vehicles used for the purpose of carrying passengers for hire (including taxicabs) on Washington National and Dulles International Airports.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 31, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 159.3 now provides, generally, that except as otherwise specifically authorized by the Administrator no person may operate a vehicle that is carrying passengers for hire from the airport, nor may a person park such a vehicle on the airport, unless he has a permit from the airport manager. Similarly, no person may, on the airport, solicit or invite another to ride in a motor vehicle used to carry passengers for hire, except with the specific approval of the airport manager.

These regulations have proved inadequate to meet the needs of the traveling public at the airport, particularly regarding taxicab services, in an orderly and effective manner. The operators under contract with the United States cannot accurately estimate in advance the number of vehicles needed to meet unforeseen peak-hour or other unexpected demand. Other operators without the required permit or specific approval have been picking up passengers at these times. As a result, there has been confusion in some cases as to who may pick up or drop passengers at the airport.

The proposed change would prohibit operation of a motor vehicle used for the purpose of carrying passengers for hire (including a taxicab) on the airport unless the operator is authorized to do so by contract with the United States, or is on the airport to deliver passengers there or to pick up passengers immediately in response to a prior request. In addition, an operator would be allowed to carry immediately from the airport passengers picked up, without a prior request, at the point of and immediately upon discharge of other passengers delivered there. An operator picking up passengers in response to a prior request would be required to show on his manifest the time that the request was made, the name of the person who made the request, and the time of pickup.

In consideration of the foregoing, it is proposed to amend § 159.3 of the Federal Aviation Regulations to read as follows:

§ 159.3 Motor vehicles carrying passengers for hire.

(a) No person may operate a motor vehicle used for the purpose of carrying passengers for hire (including a taxicab) on the airport unless—

(1) He is authorized to do so by contract with the United States; or

(2) He is operating that vehicle—

(i) To carry passengers to the airport for delivery there;

(ii) To carry immediately from the airport passengers picked up in response to a prior request; or

(iii) To carry immediately from the airport passengers picked up, without a

prior request, at the point of and immediately upon discharge of other passengers delivered there.

(b) A person operating a motor vehicle used for the purpose of carrying passengers for hire (including a taxicab) on the airport in response to a prior request to pick up passengers there must show on his manifest the time the request was made, the name of the person who made the request, and the time of pickup.

This amendment is proposed under the authority of section 4 of the Second Washington Airport Act (Title 7, District of Columbia 1404); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.47(a) of the Regulations of the Office of the Secretary of Transportation.

Issued in Falls Church, Va., on June 24, 1970.

ARVEN H. SAUNDERS,
Director, Bureau of National Capital Airports.

[F.R. Doc. 70-8332; Filed, June 30, 1970; 8:47 a.m.]

Coast Guard

[33 CFR Part 82]

[CGFR 70-83]

DEMARCATION LINE BETWEEN INLAND AND INTERNATIONAL RULES OF THE ROAD

Proposed Change of Line at Grays Harbor, State of Washington

1. The Commandant, U.S. Coast Guard is considering a proposal to amend § 82.122 to change the location of the demarcation line at Grays Harbor, State of Washington. This line separates the high seas from rivers, harbors, and inland waters for the purpose of indicating to mariners the point at which a change from one set of the nautical rules of the road to the other is necessary.

2. At present the line is drawn from Grays Harbor Bar Range Rear Light to Grays Harbor North Bar Lighted Whistle Buoy 2NB, thence to Grays Harbor Entrance Lighted Whistle Buoy 2, and thence to Grays Harbor Light. Buoy 2NB has been discontinued. Grays Harbor Entrance Lighted Whistle Buoy 3 has been permanently relocated to a position approximately 1,000 yards southeast of the former position of Buoy 2NB. It is proposed to draw the demarcation line from Grays Harbor Bar Range Rear Light to Grays Harbor Entrance Lighted Whistle Buoy 3, thence to Grays Harbor Entrance Lighted Whistle Buoy 2, and thence to Grays Harbor Light. The proposed change will move the northwestern extremity of the demarcation line approximately 1,000 yards to the southeast. Accordingly, the northern leg of the line drawn from the Bar Range Rear Light to Buoy 3, instead of Buoy 2NB as at present, will be moved approximately 1,000 yards to the south at its seaward end. There will be only a very slight change to the seaward or westerly leg. There will be no change to the southerly leg drawn as before from Buoy 2 to Grays Harbor Light. Since most vessels enter the harbor from the south or west in order to utilize the range lights on Point Brown, it appears that the proposed change to the demarcation line will have very little operational impact on mariners.

3. This proposal is made under the authority of the Act of February 19, 1895, as amended (sec. 2, 28 Stat. 672, 33 U.S.C. 151), sec. 6(b)(1) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(b)(1)), and 49 CFR 1.46(b).

4. Accordingly, it is proposed to revise § 82.122 to read as follows:

§ 82.122 Grays Harbor.

A line drawn from Grays Harbor Bar Range Rear Light to Grays Harbor Entrance Lighted Whistle Buoy 3; thence to Grays Harbor Entrance Lighted Whistle Buoy 2; thence to Grays Harbor Light.

5. Interested persons are invited to submit written data, views, arguments, or comments concerning these proposals to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before August 3, 1970 will be considered before final action is taken on this proposal.

6. It is requested that each submission state the section to which it is directed, the specific wording recommended, the reason for the recommended change, and the name and address and the firm or organization, if any, of the person making the submission.

7. In addition to the publication in the FEDERAL REGISTER, copies of this document will be mailed to persons and organizations who have requested that they be furnished with copies of proposed changes in the regulations. Copies will also be furnished upon request to Commandant (CMC). In addition, copies of this document will be available for examination at the office of the Commandant (CMC), U.S. Coast Guard Headquarters, Room 8234, 400 7th Street SW., Washington, D.C., as well as at the offices of the Coast Guard District Commanders.

8. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons at U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for the receipt of comments. Communications received will not be acknowledged. The proposal contained in this document may be changed in the light of the communications received.

Dated: June 26, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70-8451; Filed, June 30, 1970; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

AMERICANS FOR CHILDREN'S RELIEF, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Americans for Children's Relief, Inc., 49 Greenwich Avenue, Greenwich, Conn. 06830.

Dated: June 23, 1970.

HARRIETT S. CROWLEY,
Director,
Office for Private Overseas Programs.

[F.R. Doc. 70-8330; Filed, June 30, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 56]

DIRECTOR AND ASSISTANT TO THE DIRECTOR, OFFICE OF NATIONAL CAPITAL AND URBAN PARK AFFAIRS

Delegation of Authority Regarding Representation on National Capital Planning Commission

SECTION 1. The authority vested in the Director, National Park Service to serve as an ex officio member of the National Capital Planning Commission is hereby redelegated to the following officials of the National Park Service.

First alternate—Director, Office of National Capital and Urban Park Affairs; Second alternate—Assistant to the Director, Office of National Capital and Urban Park Affairs.

SEC. 2. Delegation Order No. 50 of February 12, 1968 (33 F.R. 4591) is hereby revoked.

(Act of July 19, 1952; 66 Stat. 781)

Dated: June 19, 1970.

HARTHON L. BILL,
Acting Director,
National Park Service.

[F.R. Doc. 70-8318; Filed, June 30, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0172 NV]

CERTAIN BACITRACIN CONTAINING DRUGS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Hoffmann-La Roche Inc., Nutley, N.J. 07110:

1. Hancock's Broiler Finisher; contains 1.429 grams bacitracin per pound.
2. Broiler Premix; contains 1,666 grams bacitracin per ton.
3. Hancock's Broiler Starter; contains 1.111 grams bacitracin per pound.
4. Turkey Premix; contains 1,668 grams bacitracin per ton.
5. Broiler Premix; contains 2.0 grams bacitracin (from bacitracin methylene disalicylate) per pound.
6. K & G Broiler Premix; contains 1,600 grams bacitracin (from bacitracin methylene disalicylate) per ton.
7. Broiler Finisher Premix; contains 2.0 grams bacitracin (from bacitracin methylene disalicylate) per pound.
8. Poultry Premix; contains 1.0 gram bacitracin (from bacitracin methylene disalicylate) per pound.
9. Premix No. 2; contains 2.5 grams bacitracin (from bacitracin methylene disalicylate) per pound.
10. Broiler Premix; contains 1,600 grams bacitracin (from bacitracin methylene disalicylate) per ton.
11. Turkey Premix; contains 1 gram bacitracin (from bacitracin methylene disalicylate) per pound.
12. Premix No. 3-B; contains 2.5 grams bacitracin (from bacitracin methylene disalicylate) per pound.
13. Vitamin No. 3 Premix; contains 2.5 grams bacitracin (from bacitracin methylene disalicylate) per pound.
14. Turkey Premix 2X; contains 2.0 grams bacitracin (from bacitracin methylene disalicylate) per pound.
15. Turkey Premix; contains 1.0 gram bacitracin (from bacitracin methylene disalicylate) per pound.
16. Premix No. 671 Medicated; contains 2.5 grams bacitracin (from bacitracin methylene disalicylate) per pound with 4.956 percent 3-nitro-4-hydroxyphenylarsonic acid.

The Academy classified these premixes as probably effective for faster gains and feed efficiency in poultry.

The Academy further stated:

1. Claims for growth promotion or stimulation are disallowed. Claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions."
2. Each ingredient designated as active in a preparation containing more than one drug must be effective, or contribute to the effectiveness of the preparation, to warrant acceptance as a therapeutic ingredient.
3. When using bacitracin alone, a minimum of 25 grams of bacitracin activity per ton of complete feed is necessary for improving rate of gain and/or feed efficiency for poultry.

The Food and Drug Administration concurs in the Academy's findings except the Administration concludes that the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drugs has been mailed a copy of the NAS-NRC

report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relation Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8313; Filed, June 30, 1970; 8:46 a.m.]

[DESI 0024 NV]

CERTAIN DIHYDROSTREPTOMYCIN AND STREPTOMYCIN CONTAINING DRUGS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Dihydrostreptomycin Sulfate Crystalline Solution; each cubic centimeter contains 400 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

2. Crystalline Dihydrostreptomycin Sulfate Solution; each cubic centimeter contains 250 or 500 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

3. Dihydrostreptomycin Sulfate; each cubic centimeter contains 500 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Philadelphia Laboratories, Inc., 8514 Roosevelt Boulevard, Philadelphia, Pa. 19114.

4. Dihydrostreptomycin Sulfate Injection; each cubic centimeter contains 500, 400, or 250 milligrams of dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Maurry Biological Co., 6109 South Western Avenue, Los Angeles, Calif. 90047.

5. Dihydrostreptomycin Sulfate-Streptomycin Sulfate Solution Veterinary; each milliliter contains 250 milligrams of dihydrostreptomycin base (as dihydrostreptomycin sulfate) and 250 milligrams of streptomycin base (as streptomycin sulfate); by Maurry Biological Co.

6. Dihydrostreptomycin Sulfate-Streptomycin Sulfate Solution Veterinary; each milliliter contains 125 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate) and 125 milligrams streptomycin base (as streptomycin sulfate); by Maurry Biological Co.

7. Combistrep; each cubic centimeter contains 125 milligrams streptomycin base (as streptomycin sulfate), 125 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Chas. Pfizer & Co., Inc.

The Academy evaluated these products as probably effective for the treatment of certain disease in cattle, horses, swine, dogs, cats, and turkeys when such disease conditions are caused by pathogens sensitive to streptomycin sulfate and/or dihydrostreptomycin sulfate.

The Academy further stated:

1. Irritation resulting from subcutaneous use of the drugs should be detailed on the labeling.

2. Caution statements on the labeling should describe the neurotoxicity of streptomycin and/or dihydrostreptomycin.

3. Labeling should qualify the diseases to be treated as those caused by pathogens sensitive to streptomycin or dihydrostreptomycin. If the disease condition cannot be so qualified the claim must be dropped.

4. The correct frequency of administration of the drug should be stated on the labels.

5. The value of the synergism statement on the labels is questioned.

6. The dosages listed on the labels are inconsistent; the minimum dose for domestic mammals should provide 5 milligrams of drug per pound of bodyweight every 12 hours.

7. Labels should carry a warning statement pertaining to the development of streptomycin-dihydrostreptomycin resistant micro-organisms.

8. Terminology that tends to be misleading or that may be an overstatement of the activity of the drug should be deleted from the labeling.

9. The label dosages recommended for treatment of disease in poultry are not adequately documented.

The Food and Drug Administration concurs in the academy's findings.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8311; Filed, June 30, 1970; 8:45 a.m.]

[DESI 50125]

CERTAIN PENICILLIN-CONTAINING COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antibiotic drugs:

A. Benzathine Penicillin G with Procaine Penicillin G Injection, marketed as:

1. Bicillin C–R Aqueous Suspension (NDA 50–138); and

2. Bicillin P–A–B Aqueous Suspension (NDA 50–138); Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

B. Procaine Penicillin G with Sodium or Potassium Penicillin G for Injection, marketed as:

1. Abbocillin 800 M for Suspension (NDA 60–019); Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

2a. Duracillin Fortified Powder for Aqueous Suspension (NDA 60–015); and

b. Duracillin F.A. Powder for Aqueous Suspension (NDA 60–015); Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206.

3. Pen Produral for Aqueous Injection (NDA 60–204); Merck Sharp & Dohme Division, Merck and Co., Inc., West Point, Pa. 19486.

4. Pronapen for Aqueous Injection (NDA 60–021); Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

5. Procaine Penicillin G and Potassium (or Sodium) Penicillin G for Aqueous Injection (NDA 60–020); Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

6a. Bipenicillin Specia for Aqueous Injection (NDA 60–025); and

b. Procaine Penicillin G and Potassium Penicillin G for Aqueous Injection (NDA 60–016); and

c. Bipenicillin 500 for Aqueous Injection (NDA 60–025); Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

7. Crystifor Powder for Injection (NDA 60–023); E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

8a. Depo-Penicillin Fortified Suspension (NDA 60–018); and

b. Diurnal-Penicillin Fortified 400 M for Aqueous Injection (NDA 60–017); The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

9a. Wycillin Fortified for Aqueous Injection (NDA 60–026); and

b. Lentopen All-Purpose Injection in Oil (NDA 60–027); Wyeth Laboratories, Inc.

C. Potassium Penicillin G with Probenecid marketed as: Remanden–250 Tablets (NDA 50–125); Merck, Sharp & Dohme Division, Merck & Co., Inc.

D. Benzathine Penicillin G with Procaine Penicillin G and Potassium Penicillin G, marketed as: Bicillin All-Purpose for Injection (NDA 50–140); Wyeth Laboratories, Inc.

The Food and Drug Administration concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these drugs are effective as fixed combinations for their claimed indications.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations where necessary to delete combination drugs of the kinds described above from the list of drugs acceptable for certification.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially-controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. Such data should be identified with the reference number DESI 50125 and be addressed to the Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of such drugs from the market.

Firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the reports on these drugs by writing to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 17, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–8315; Filed, June 30, 1970; 8:46 a.m.]

[DESI 0137NV]

NEOMYCIN PLUS VITAMINS FOR USE IN POULTRY DRINKING WATER

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Neo-Ade, For Use in Poultry Drinking Water; each 8 ounces contains 25.6 grams of neomycin base (as sulfate), 5,000,000 U.S.P. units of vitamin A (as palmitate), 500,000 I.C. units of Vitamin D_3 (from irradiated animal sterol), and 500 units of Vitamin E (from alpha tocopherol acetate); by The Gland-O-Lac Co., Division of E. R. Squibb & Sons, Inc., Three Bridges, N.J. 08887.

The academy concludes that: (1) This product is probably not effective for use in poultry drinking water for the prevention and treatment of bacterial enteritis in chickens and turkeys commonly associated with chronic respiratory diseases and blue comb; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (3) this preparation does not satisfy the condition that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as a therapeutic ingredient—the label appears to represent both the neomycin and the vitamins as active drug ingredients; (4) the disease claims for neomycin sulfate must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacologic properties of neomycin; (5) the manufacturer's label should warn that treated animals must actually be consuming enough medicated water to provide a therapeutic dosage under the conditions that prevail; (6) as a precaution, the label should state the desired oral does per unit of animal weight per day for each species as a guide to effective usage of the preparation in drinking water; and (7) claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

The Food and Drug Administration concurs with the above conclusions of the academy.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the manufacturers of the drug of the findings of the academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the drug are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the subject drug has been mailed a copy of the NAS-NRC report. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352,

360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8312; Filed, June 30, 1970; 8:45 a.m.]

[DESI 8097V]

NEOSTIGMINE METHYLSULFATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Stiglyn 1:500 Parenteral Solution, which contains 2.0 milligrams of neostigmine methylsulfate per milliliter and which is marketed by Pitman-Moore Inc., Camp Hill Road, Fort Washington, Pa. 19034.

The Academy concluded that the product is probably effective, stating there is no question that the preparation is able to produce a parasympathomimetic and somatic nervous system stimulating effect in normal animals. The Academy further stated that the label claims should be revised and modified and additional documentation is necessary to support claims that the pharmacologic agent is effective in treating larkspur poisoning, uterine inertia, and posterior paralysis due to traumatic injury and muscle spasticity.

The Food and Drug Administration concurs in the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8314; Filed, June 30, 1970; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, ATLANTA REGIONAL OFFICE

Redelegation of Authority With Respect to Basic Water and Sewer Facilities Grant Program

SECTION A. *Authority redelegated.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Atlanta Regional Office, each is authorized to exercise the following authority of the Secretary of Housing and Urban Development under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) with respect to the basic water and sewer facilities grant program:

1. To approve applications, authorize grants, and execute grant agreements, involving grants for water and/or sewer facilities.

2. To amend or modify any such grant agreement.

SEC. B. *Revocation.* The redelegation of authority by the Regional Administrator to the Assistant Regional Administrator and Deputy Assistant Regional Administrator for Metropolitan Development, Region III, with respect to the basic water and sewer facilities grant program, under section A, 2, of the document published at 32 F.R. 4082, March 15, 1967, is revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegation of authority by Assistant Secretary for Metropolitan Planning and Development effective Mar. 31, 1970, 35 F.R. 8303, May 27, 1970)

Effective date of redelegation of authority. This redelegation of authority shall be effective as of March 31, 1970.

EDWARD H. BAXTER,
Regional Administrator, Atlanta Regional Office.

[F.R. Doc. 70-8366; Filed, June 30, 1970; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, NEW YORK REGIONAL OFFICE

Redelegation of Authority With Respect to Basic Water and Sewer Facilities Grant Program

SECTION A. *Authority redelegated.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, New York Regional Office, each is authorized to exercise the following authority of the Secretary of Housing and Urban Development under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) with respect to the basic water and sewer facilities grant program:

1. To approve applications, authorize grants, and execute grant agreements, involving grants for water and/or sewer facilities.

2. To amend or modify any such grant agreement.

SEC. B. *Revocation.* The redelegation of authority by the Regional Administrator to the Assistant Regional Administrator and Deputy Assistant Regional Administrator for Metropolitan Development, Region I (New York), with respect to the basic water and sewer facilities grant program, under section A, 2, of the document published at 32 F.R. 4081-4082, March 15, 1967, is revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegation of authority by Assistant Secretary for Metropolitan Planning and Development effective Mar. 31, 1970, 35 F.R. 8303 May 27, 1970)

Effective date of redelegation of authority. This redelegation of authority shall be effective as of July 1, 1970.

S. WILLIAM GREEN,
Regional Administrator, New York Regional Office.

[F.R. Doc. 70-8364; Filed, June 30, 1970; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, PHILADELPHIA REGIONAL OFFICE

Redelegation of Authority With Respect to Basic Water and Sewer Facilities Grant Program

SECTION A. *Authority redelegated.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Philadelphia Regional Office, each is authorized to exercise the following authority of the Secretary of Housing and Urban Development under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) with respect to the basic water and sewer facilities grant program:

1. To approve applications, authorize grants, and execute grant agreements, involving grants for water and/or sewer facilities.

2. To amend or modify any such grant agreement.

SEC. B. *Revocation.* The redelegation of authority by the Regional Administrator to the Assistant Regional Administrator and Deputy Assistant Regional Administrator for Metropolitan Development, Region II, with respect to the basic water and sewer facilities grant program, under section A, 2, of the document published at 32 F.R. 4082, March 15, 1967, is revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegation of authority by Assistant Secretary for Metropolitan Planning and Development effective Mar. 31, 1970, 35 F.R. 8303, May 27, 1970)

Effective date of redelegation of authority. This redelegation of authority shall be effective as of July 1, 1970.

WARREN P. PHELAN,
Regional Administrator,
Philadelphia Regional Office.

[F.R. Doc. 70-8365; Filed, June 30, 1970; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, Calif. 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, Calif. 92112, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station, Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, Calif.

The site is located on the West Coast of Southern California, aproximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE), and San Diego Gas and Electric Co. (San Diego), are joint applicants for the construction permit for the San Onofre Nuclear Generating Station, Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3390 thermal mw. with a net electrical output of approximately 1140 mw.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-8309; Filed, June 30, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20291, 20993; Order 70-6-142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority June 25, 1970.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements would amend the resolution governing rates of exchange by the inclusion of a new currency, the rial saidi, in Oman and Muscat; in addition, the resolutions governing the rounding-off of passenger fares and cargo rates would be amended by the inclusion of this new Oman and Muscat currency, as well as by providing for a change in the currency of Gibraltar to the decimal system.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

CAB Agreement:	*IATA Resolutions*
21821 R-1	100 (Mail 848) 021b. 200 (Mail 032) 021b. 300 (Mail 337) 021b.
21821 R-2 and R-3.	100 (Mail 848) 023a/b. 200 (Mail 032) 023a/b. 300 (Mail 337) 023a/b. JT12 (Mail 745) 023a/b. JT23 (Mail 260) 023a/b. JT31 (Mail 184) 023a/b. JT123 (Mail 647) 023a/b.
21838	100 (Mail 851) 023a/b. 200 (Mail 038) 023a/b. 300 (Mail 339) 023a/b. JT12 (Mail 747) 023a/b. JT23 (Mail 262) 023a/b. JT31 (Mail 186) 023a/b. JT123 (Mail 649) 023a/b.

Accordingly, it is ordered, That:

Action on Agreements CAB 21821 and 21838 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitons in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-8371; Filed, June 30, 1970; 8:50 a.m.]

[Docket Nos. 20291, 21770; Order 70-6-143]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority June 25, 1970.

By Order 70-6-37, dated June 5, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would establish proportional fares to be used in the construction of through fares to/from Kristiansund, and these are specified at the same level as those applying to/from Trondheim.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-6-37 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21795, R-3 through R-5, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-8372; Filed, June 30, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

W. A. PHELPS CO. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

William A. Phelps d.b.a. W. A. Phelps Co., 26 Broadway, New York, N.Y. 10004, William A. Phelps, Owner.

Rigoberto Figueroa Jimenez I d.b.a. The Firm of Juan B. Figueroa, Post Office Box 2826, Old San Juan, P.R. 00903, Rigoberto Figueroa Jimenez I, Owner.

Haniel International, Inc., 32 Broadway, New York, N.Y. 10004.

OFFICERS

Ernest A. Pick, President. Isador Scher, Vice President/Secretary-Treasurer. Peer Eggeling, Vice President.

Export Services, Inc., Post Office Box 35441, Dallas, Tex. 75235.

OFFICERS

Raul Caballero, President. Richard Rics, Vice-President. Ben Blades, Secretary/Treasurer.

Dated: June 26, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8346; Filed, June 30, 1970; 8:48 a.m.]

COLUMBIA RIVER TERMINAL CO. AND KAISER AETNA

Notice of Agreement Filed

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 the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Carl R. Neil, Lindsay, Nahstoll, Hart, Duncan, DaFoe & Krause, Ninth Floor, Loyalty Building, Portland, Oreg. 97204.

Agreement No. T-2343-1, between Kaiser Aetna (Kaiser) and Columbia River Terminal Co. (Columbia) modifies the basic agreement which provides for Columbia to operate a marine terminal facility as the agent of Kaiser. The purpose of the modification is to (1) permit Kaiser to license Rivershores, Inc., to use a portion of the terminal facilities and (2) permit Columbia to serve as Kaiser's agent in overseeing Rivershores' use of the premises.

Dated: June 26, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8347; Filed, June 30, 1970; 8:48 a.m.]

[Docket No. 70-24; Agreement No. 9835]

JAPANESE LINES' PACIFIC NORTHWEST CONTAINERSHIPS SERVICE AGREEMENT

Order for Investigation and Hearing

Agreement No. 9835, dated December 24, 1969, was approved under section 15 of the Shipping Act, 1916, by the Commission pursuant to its order dated April 17, 1970, over the protest of the city of Portland's Commission of Public Docks (hereafter Portland) who had requested a hearing of the matter. On its face, agreement No. 9835 would permit six Japanese lines (listed as respondents in Appendix A attached and hereafter referred to as the Japanese lines) to establish a three vessel trans-pacific containership service between Japan and the states of Washington and Oregon. Article 1 of the agreement states that the lines "shall by agreement so schedule and advertise their sailings as to promote optimum vessel utilization * * *."

By its order dated June 12, 1970, the U.S. Court of Appeals for the District of Columbia Circuit in The City of Portland, Oregon v. [FMC] and the United States of America, No. 24,182, remanded the record[1] to the Commission in "order to expedite the holding of a hearing" to determine, in the light of protest of Portland, whether the agreement and ancillary agreements, if any, should be approved.

The questions raised by Portland's protest are whether agreement No. 9835 should be approved pursuant to section 15 of the Shipping Act, whether an unapproved agreement not to serve Portland had been entered into or carried out by the parties and whether this agreement represents the full and complete agreement of the parties.

Considering the Court of Appeals' decision as well as the questions raised by Portland and also the fact that the Japanese lines desire to have all three containerships operating pursuant to Agreement No. 9835 by October 1970, we deem it appropriate to order an expedited proceeding herein for a determination of these matters.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an expedited investigation and hearing be held to determine: (1) whether agreement No. 9835 should be approved, disapproved or modified pursuant to section 15 of the Shipping Act, 1916, (2) whether this agreement as filed with the Commission represents the full and complete agreement of the parties, and (3) whether there are any additional ancillary understandings or arrangements among the various carrier members to this agreement which have been entered into and carried out or which have not been filed with and approved by the Commission;

It is further ordered, That in the event any modification of this agreement is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916;

It is further ordered, That the parties listed in Appendix A attached hereto be made respondents and/or petitioners in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the Hearing Examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure (46 CFR 502.201, et seq.), which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) (46 CFR 502.208(a)), which

[1] Filed as part of the original document.

requires leave of the Commission to request admissions of fact and of genuineness of documents if notice thereof is served within 10 days of the commencement of the proceeding, is similarly waived.

It is further ordered, That any person, other than respondents, petitioners and Hearing Counsel, who desires to become a party to this proceeding and participate therein shall file a petition to intervene, in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure, with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly, with copies to all parties;

And, it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

A. *RESPONDENTS:*

JAPAN LINE, LTD., Kokusai Building 12, 3, Marunouchi, Chiyoda-Ku, Tokyo, Japan.

JAPAN LINE, LTD., c/o Transpacific Transportation Co., Pacific Coast General Agents, 650 California Street, San Francisco, Calif. 94108.

KAWASAKI KISEN KAISHA, LTD., 8 Kaigandori, Ikuta-ku, Kobe, Japan.

KAWASAKI KISEN KAISHA, LTD., c/o K Line New York, Inc., General Agents, 29 Broadway, New York, N.Y. 10004.

MITSUI-O.S.K. LINES, LTD., 36 Hitotsugicho, Akasak, Minato-ku, Post Office Box 6, Akasaka, Tokyo, Japan.

MITSUI-O.S.K. LINES, LTD., 17 Battery Place, New York, N.Y. 10004.

NIPPON YUSEN KAISHA, 20, 2-Chome, Marunouchi, Chiyoda-ku, Tokyo, Japan.

NIPPON YUSEN KAISHA, c/o Transmarine Navigation Corp., General Agents, 351 California Street, San Francisco, Calif. 94104.

SHOWA SHIPPING CO., LTD., Ida Building, No. 1, Yaesu 2-Chome, Chuo-ku, Tokyo, Japan.

SHOWA SHIPPING CO., LTD., c/o Olympic Steamship Co., Inc., General Agents, 425 California Street, San Francisco, Calif. 94104.

YAMASHITA-SHINNIHON STEAMSHIP CO., LTD., Sixth Floor Palaceside Building, No. 1 Takehira-Cho, Chiyoda-Ku, Tokyo, Japan.

YAMASHITA-SHINNIHON STEAMSHIP CO., LTD., c/o Lilly Shipping Agencies, One California Street, San Francisco, Calif. 94111.

B. *PETITIONERS:*

Commission of Public Docks, City of Portland, 3070 Northwest Front Avenue, Portland, Oreg. 97210.

[F.R. Doc. 70-8349; Filed, June 30, 1970; 8:48 a.m.]

TRANS-ATLANTIC LAKES LINE—TACLINE

Notice of Agreement Filed

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 the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, 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. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination of unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond P. de Member, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006.

Agreement No. 9687-3 amends the basic agreement between Compagnie Generale Transatlantique, The Cunard Steam-Ship Co., Ltd., Oranje Lijn, and Fjell Line, by (1) deleting from Clause (i) the requirements for withdrawal from the agreement that are outlined in the first paragraph, and the entire second paragraph; (2) adding a new paragraph to Clause (k) which provides that in cases where the members of this agreement are shareholders in competing companies, they shall consider only the interest and well-being of this agreement, in determining certain policies; (3) deleting the word "Parties" and all references thereto from Clause (1) of the agreement, and substituting in lieu thereof the words "Joint Service"; and (4) changing the basis of the annual pool report filed with the Commission to show the total gross freights both westbound and eastbound for each party.

Dated: June 25, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-8348; Filed, June 30, 1970; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), by Otto Bremer Co. and Otto Bremer Foundation, St. Paul, Minnesota, bank holding companies, for determinations that the activities of Farmers State Agency of Frederic, Bank of Willmar Agency, Inc., Peoples State Agency of Colfax, Inc., Shelly State Agency, Inc., and Washburn State-Bayfield Agency, Inc., are or are to be the kind described in the aforementioned provisions of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.4(a) and 222.5(a) of Federal Reserve Regulation Y (12 CFR 222.4(a), 222.5(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on July 29, 1970, at 10 a.m. at the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, Minneapolis, Minn., before Walter K. Bennett (whose address is Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The hearing will be conducted according to the Board's rules of practice for formal hearings (12 CFR Part 263). The right is reserved to the Board or the hearing examiner to designate any other date or place for such hearing, or any part thereof, that may be determined to be necessary or appropriate for the convenience of the parties. Section 263.6(d) of the Board's rules of practice for formal hearings provides, in part, "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That, on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public."

Any person not named herein as a party who wishes to be admitted as a party, or who wishes to participate in the hearing for a limited purpose, should file with the hearing examiner named hereinabove, on or before July 17, 1970, a written request containing a statement of the nature of the person's interests in the proceeding, and a summary of any matters concerning which said person wishes to give evidence. The application

may be inspected at the Federal Reserve Bank of Minneapolis or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

By order of the General Counsel of the Board of Governors, June 24, 1970, acting on behalf of the Board pursuant to delegated authority (12 CFR § 265.2 (b)(4).

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8331; Filed, June 30, 1970; 8:47 a.m.]

TARIFF COMMISSION

[22-28; 332-64]

DAIRY PRODUCTS

Notice of Postponement of Hearing and New Related Investigation and Hearing

In response to a request dated June 23, 1970, by the Committee on Ways and Means of the House of Representatives, the Tariff Commission has instituted an investigation of the conditions of competition in the United States between dairy products being produced in the United States and certain specified dairy products produced in foreign countries, as more fully set forth in the following resolution of the Committee:

Resolved, That the United States Tariff Commission is hereby directed, pursuant to section 332(g) of the Tariff Act of 1930, (1) to make an investigation of the conditions of competition in the United States between dairy products being produced in the United States and the following dairy products produced in foreign countries:

(A) Cheese and substitutes for cheese of the kinds described in items 950.10B, 950.10C, and 950.10D, part 3, appendix to the Tariff Schedules, if having a purchase price of 47 cents per pound or over;

(B) Lactose (item 493.65, T.S.U.S.);

(C) Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, Schedule 1 of the T.S.U.S. (except articles for consumption at retail as candy or confection);

(D) Cheese and substitutes for cheese, the product of New Zealand, subject to quota under item 950.10D, T.S.U.S., and (2) report the results of such investigation to the Committee on Ways and Means at the earliest practicable date, but if possible, no later than its report to the President on its investigation of dairy products requested May 13, 1970.

The report of the Commission shall include factual information on domestic production, foreign production, imports, consumption, channels and methods of distribution, prices (including pricing practices), United States exports, and other factors of competition. The report shall also include information indicating whether any of the dairy products specified herein is being imported into the United States under circumstances and in quantities interferring with, or threatening to interfere with, any price-support programs of the Department of Agriculture for milk and butterfat or any other program or operation undertaken by the Department of Agriculture, or any agency operating under its direction, with respect to any of these dairy products or to reduce substantially the amount of any of these products processed in the United States from milk and butterfat or product thereof with respect to which any such program or operation is being undertaken.

Formally agreed to by the Committee on Ways and Means in Executive Session, June 23, 1970.

A true copy.

/S/ JOHN M. MARTIN, Jr.,
Chief Counsel,
Committee on Ways and Means.

Consecutive hearings ordered. Notice is hereby given that the public hearing scheduled to begin July 7, 1970, with respect to Investigation No. 22-28 (notice of which was published in the FEDERAL REGISTER of May 26, 1970 (35 F.R. 8250)), is postponed until 10 a.m., e.d.s.t., July 28, 1970. Upon the conclusion of said hearing, a consecutive public hearing will be held in connection with the instant investigation instituted at the request of the House Committee on Ways and Means. These hearings will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, on or before July 17, 1970. Parties who have already requested appearances at the earlier scheduled hearing will be rescheduled for the hearing on July 28 without having to submit new requests for appearances. It is suggested that parties who have a common interest endeavor wherever possible to arrange for a consolidated presentation of their views during each hearing.

Requests to appear at each hearing must contain the following information:

(a) The types of products on which testimony will be presented.

(b) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(c) A statement indicating whether the testimony to be presented will be on behalf of importer or domestic producer interests.

(d) A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may supplement their oral testimony with written statements of any desired length. These should be submitted in 20 copies when the oral testimony is presented.

Persons who have properly filed requests to appear will be individually notified of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Questioning of witnesses will be limited to members of the Commission.

Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. A signed original and 19 true copies of such statements shall be submitted.

Business data which is deemed confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than the close of the hearings.

All communications regarding the Commission's investigations should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: June 26, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-8345; Filed, June 30, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1731, etc.]

AMERADA HESS CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 24, 1970.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

[1] Does not consolidate for hearing or dispose of the several matters herein.

effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 5, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1731	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	108	11	Michigan Wisconsin Pipe Line Co. (Laverne and Luther Hill Fields, Harper, Beaver and Ellis Counties, Okla.) (Panhandle Area).	$12,493	6-3-70	[2] 7-15-70	12-15-70	[8] 19.515	[3 4 5] 22.015	RI68-127.
RI70-1732	Sunset International Petroleum Corp. et al., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	40	16	El Paso Natural Gas Co. (Buzzard Lease Acreage, Ochiltree County, Tex.) (RR. District No. 10).	361	6-4-70	[2] 9-1-70	2-1-71	23.08625	[3 4] 25.09275	RI68-683.
RI70-1733	H. L. Hunt (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	36	[6] 10	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area).	5,550	6-4-70	[7] 7-5-70	12-5-70	[8 9] 15.64	[3 4 5] 22.755	
RI70-1734	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	37	12	Natural Gas Pipeline Co. of America (Camrick Pool, Beaver County, Okla.) (Panhandle Area).	219	[10] 5-15-70	[2] 7-23-70	12-23-70	[11] 18.615	[3 4 11] 18.815	RI70-1160.
RI70-1735	Raymond H. Hedge (Operator) et al., 314 Peoples National Bank Bldg., Tyler, Tex. 75701.	1	2	Texas Gas Transmission Corp. (North Shongaloo-Red Rock Field, Webster Parish, La.) (North Louisiana Area).	32,400	6-5-70	[2] 7-6-70	12-6-70	18.75	[4 12] 19.75	
RI70-1736	Frederic C. and Ferris F. Hamilton d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	1	2	Northern Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	3,838	6-1-70	[7] 7-2-70	12-2-70	[11] 17.5	[3 4 11] 18.5	RI63-422.
	do	9	6	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	685	5-25-70	[2] 7-1-70	12-1-70	[8] 17.0225	[3 4 8] 18.0225	RI68-506.
	do	13	8	Kansas-Nebraska Natural Gas Co. (Camrick Field, Texas County, Okla.)(Panhandle Area).	2,092	6-1-70	[7] 7-2-70	12-2-70	[11 13] 18.2	[3 4 11 13] 18.6	RI68-145.
	do	18	7	Colorado Interstate Gas Co. (Morton County, Kans.).	4,136	6-1-70	[7] 7-2-70	12-2-70	[8 14] 17.36075	[3 4 8 14] 18.38178	RI68-506.
RI70-1737	Mana Resources, Inc. (Operator), et al., 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	1	2	Panhandle Eastern Pipe Line Co. (Kismet Extention Field, Seward County, Kans.).	10,800	5-25-70	[2] 7-1-70	12-1-70	[8] 16.0	[4 8 15] 19.0	
RI70-1738	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	187	1	Cities Service Gas Co. (South Bishop Field, Ellis County, Okla.)(Oklahoma "Other" Area).	14,000	6-1-70	[2] 7-20-70	12-20-70	[11] 17.0	[3 4 11] 18.0	
RI70-1739	Pan Mutual Royalties, Inc., 3707 Rawlins St., Dallas, Tex. 75219.	1	3	Michigan-Wisconsin Pipe Line Co. (Mocane Laverne Field, Harper County, Okla.)(Panhandle Area).	8	5-25-70	[2] 7-1-70	12-1-70	[8] 17.0	[3 4 8] 19.5	
RI70-1740	Cleary Petroleum Corp., agent et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	7	15	Arkansas Louisiana Gas Co. (Enid Area, Garfield County, Okla.)(Oklahoma "Other" Area).	2,791	5-25-70	[7] 6-25-70	11-25-70	15.0	[3 4] 16.015	
RI70-1741	Cleary Petroleum Corp.	29	5	do	8,709	5-25-70	[7] 6-25-70	11-25-70	15.0	[3 4] 16.015	
RI70-1742	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	16	11	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Louise Field, Wharton County, Tex.) (RR. District No. 3).	53,838	6-1-70	[7] 7-2-70	12-2-70	14.0525	[3 4] 17.86675	RI70-807.
RI70-1743	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	1	[16] 16	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	10,133	6-1-70	[2] 7-2-70	12-2-70	16.7203	[4 17] 18.74097	RI70-485.
	do	5	21	Natural Gas Pipeline Co. of America (East Bay City, Matagorda County, Tex.) (RR. District No. 3).	20,352	6-1-70	[2] 7-2-70	12-2-70	16.2136	[4 18] 17.22695	RI65-344.
	do	12	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East Bernard Field, Wharton County, Tex.) (RR. District No. 3).	2,050	6-1-70	[2] 7-2-70	12-2-70	15.6585	[3 4] 16.82161	RI64-721.
	do	23	[16] 19	United Gas Pipe Line Co. (Red Fish Bay and West Mustang Island Fields, Nueces county, Tex.) (RR. District No. 4).	11,507	6-1-70	[2] 7-2-70	12-2-70	[20] 15.05625 [21] 15.6585	[3 4] 16.66225	
	do	32	15	United Gas Pipe Line Co. (Burnell and North Pettus Fields, Karnes and Goliad Counties, Tex.) (RR. District No. 2).	288	6-1-70	[2] 7-2-70	12-2-70	15.54233	[3 4] 16.06	RI66-103.
	do	86	10	Florida Gas Transmission Co. (Placios Field, Matagorda County, Tex.) (RR. District No. 3).	585	6-1-70	[2] 7-2-70	12-2-70	16.07	[4 22] 18.07875	RI70-610.
	do	93	4	Trunkline Gas Co. (Chocolate Bayou, Brazoria County, Tex.) (RR. District No. 3).	2,802	6-1-70	[2] 7-2-70	12-2-70	18.0675	[4 23] 19.07125	RI70-604.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	....do	120	2	Natural Gas Pipeline Co. of America (East Bay City Field, Matagorda County, Tex.) (RR. District No. 3).	$16,998	6-1-70	[2] 7-2-70	12-2-70	18.0675	[3 4] 19.07125	RI70-753.
	....do	129	6	Natural Gas Pipeline Co. of America (Orangedale Field, Bee and Live Oak Counties, Tex.) (RR. District No. 2).	13,334	6-1-70	[2] 7-2-70	12-2-70	17.86675	[3 4] 19.07125	RI69-592.
RI70-1744	Getty Oil Co. (Operator) et al.	11	17	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Sublime Field, Colorado County, Tex.) (RR. District No. 3).	6,895	6-1-70	[2] 7-2-70	12-2-70	15.6585	[3 4] 16.82161	RI64-726.
	....do	18	23	Natural Gas Pipeline Co. of America (West Bernard Field, Wharton County, Tex.) (RR. District No. 3).	10,323	6-1-70	[2] 7-2-70	12-2-70	16.2136	[4 24] 17.22695	RI65-344.
	....do	70	[25] 6	Natural Gas Pipeline Co. of America (Shaeffer Ranch et al., Fields, Duval and Jim Wells Counties, Tex.) (RR. District No. 4).	13,473	6-1-70	[2] 7-2-70	12-2-70	15.55812	[3 4] 16.56187	RI64-726.
	....do	88	6	Florida Gas Transmission Co. (Placios Field, Matagorda County, Tex.) (RR. District No. 3).	16,178	6-1-70	[2] 7-2-70	12-2-70	16.07	[4 25] 18.07875	RI70-610.
RI70-1745	S. S. C. Gas Producing Co., Post Office Box 292, Pettus, Tex. 78146.	1	6	Trunkline Gas Co. (Byrne Field, Bee County, Tex.) (RR. District No. 2).	606	6-2-70	[7] 7-3-70	12-3-70	[27] 13.25	[3 4 27] 14.25	
	....do	2	12	Trunkline Gas Co. (Fox Field Area, Bee County, Tex.) (RR. District No. 2).	440	6-2-70	[7] 7-3-70	12-3-70	[27] 13.25	[3 4 27] 14.25	
RI70-1746	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	[28] 57	5	Transcontinental Gas Pipe Line Corp. (Dilworth et al., Fields, McMullen County, Tex.), et al. fields, La Salle County, Tex. (RR. District No. 1).	[29] 9,285	6-5-70	[7] 7-6-70	12-6-70	[29] 15.7674	[3 4 29] 16.785	RI68-573.
					[30] 33,408				[30] 16.276	[3 4 30] 17.293	RI68-573.
RI70-1747	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	32	3	El Paso Natural Gas Co. (Custer Mountain Unit, Lea County, N. Mex.) (Permian Basin Area).	14,610	5-25-70	[2] 6-25-70	11-25-70	16.58	[4 31] 19.0	
RI70-1748	Forrest B. Miller et al., Post Office Box 2148, Santa Fe, N. Mex. 87501.	1	4	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	469	6-1-70	[2] 7-2-70	12-2-70	[32] 14.0	[2 32 33] 15.0	RI67-243.
RI70-1749	Adobe Oil Co., 601 Wilkinson Foster Bldg., Midland, Tex. 79701.	[34]	[35]	Northern Natural Gas Co. (Spraberry Trend, Sale Ranch Area, Martin County, Tex.) (RR. District No. 8) (Permian Basin Area).	61,822	5-26-70	[2] 6-26-70	11-26-70	14.50	[4 36] 21.275	

[2] The stated effective date is the effective date requested by respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Applicable to acreage added by Supplement No. 2.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Includes base rate of 15 cents plus B.t.u. adjustment before increase and 22 cents plus upward B.t.u. adjustment and 0.015-centtax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[9] Initial rate as conditioned by temporary certificate issued in Docket No. CI63-182 on Aug. 18, 1966.
[10] Filing completed by correction letter dated June 1, 1970, submitted on June 4, 1970.
[11] Subject to a downward B.t.u. adjustment.
[12] Respondent is filing from initial certificated to initial contract rate which includes 18-cent base rate plus 1.75-cent tax reimbursement.
[13] Subject to a 1.75 cents per Mcf deduction by buyer for gas from Curtis Ross No. 1 Well for compression.
[14] Includes base rates of 11 cents before increase and 18 cents after plus upward B.t.u. adjustments plus tax reimbursement.
[15] Filing from initial certificated rate to initial contract rate.
[16] Pertains to all sales except gas well gas sales from new reservoirs as defined in Opinion No. 567.
[17] "Fractured" rate increase. Contractually due rate is 20.77365 cents.
[18] "Fractured" rate increase. Contractually due rate is 20.73314 cents.
[19] Pertains to all sales except gas well gas sales from new reservoirs as defined in Opinion No. 567.
[20] Effective subject to refund in Docket No. RI70-743. Applicable only to sales from Tract II of Texas State Tract 45-47 Unit.
[21] Effective subject to refund in Docket No. RI64-721. Applicable only to sales from Tract I of Texas State Tract 45-47 Unit.
[22] "Fractured" rate incerase. Contractually due 19.585 cents.
[23] "Fractured" rate increase. Contractually due 23.08625 cents.
[24] "Fractured" rate increase. Contractually due rate is 20.73314 cents.
[25] Pertains to all sales except gas well gas sales from new reservoirs as defined in Opinion No. 567.
[26] "Fractured" rate increase. Contractually due 19.585 cents.
[27] Includes 0.25 cent for dehydration charged to buyer.
[28] Formerly Standard Oil Co. of Texas, a division of Chevron Oil Co.'s FPC Gas Rate Schedule No. 14.
[29] For gas produced from La Salle County.
[30] For gas produced from McMullen County.
[31] Increase to contract rate.
[32] Pressure base is 15.025 p.s.i.a.
[33] Includes 1-cent minimum guarantee for liquids.
[34] No rate schedule on file. Small producer certificate issued in Docket No. CS67-2.
[35] Relates to contract dated May 11, 1970.
[36] Increase to contract rate. Rate includes 2.775-cents upward B.t.u. adjustment.

H. L. Hunt (Operator), et al. (Hunt), requests an effective date of July 3, 1970, for its proposed rate increase. Frederic C. and Ferris F. Hamilton doing business as Hamilton Brothers, Ltd., request an effective date of July 1, 1970, for three of their proposed rate increases for which adequate notice was not given. Cleary Petroleum Corp., Agent, et al., requests that its proposed rate increases be permitted to become effective as of May 25, 1970. Champlin Petroleum Co. requests an effective date of July 1, 1970, for its proposed rate increase. S.S.C. Gas Producing Co. requests an effective date of June 30, 1970, for its proposed rate increases, and The California Co., a Division of Chevron Oil Co., requests an effective date of June 22, 1970, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings, and such requests are denied.

Hunt proposes a rate increase from 15.64 cents to 22.755 cents per Mcf for gas sold from acreage in Major County, Okla., added by Supplement No. 2 to its FPC Gas Rate Schedule No. 36. The sale from such acreage is currently being made pursuant to a temporary certificate issued August 18, 1966, conditioned to an initial rate of 15 cents plus upward B.t.u adjustment and containing a Condition (2) provision prohibiting changes in the initial rate unless ordered by the Commission in the related certificate proceeding in Docket No. CI63-182. Hunt requests waiver of such condition to permit the instant rate change to be filed. Consistent with previous Commission action taken on similar rate increases involving temporary certificated sales for which a permanent certificate has not been issued within 3 years from the date of initial delivery (sales of gas commenced in October 1966), we believe that the Condition (2) proviso should be waived and Hunt's proposed rate increase should be suspended for 5 months from July 5, 1970, the expiration date of the statutory notice.

The proposed rate increase filed by Adobe Oil Co. (Adobe), a holder of a small producer certificate for a sale in the Permian Basin Area [37] exceeds the rate ceilings as set forth

[37] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplements" or "rate schedules" appear in this order, they refer to the notice of change in rate filed by the small producer herein.

in § 157.40(b) of the Commission's regulations for sales under small producer certificates and should be suspended for 5 months from June 26, 1970, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 70–8287; Filed, June 30, 1970; 8:45 a.m.]

[Docket No. RI70–1750, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 24, 1970.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20726, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 7, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless [3] suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–1750	Gulf Oil Corp.	399	[4] 5	Natural Gas Pipeline Co. of America (Block 163 Field, Cameron Area, Offshore Louisiana) (Federal Domain).	$1,460	5–25–70	[6] 6–25–70	[6] 6–26–70	[9] [10] 19.50	[7] [8] 20.0	
RI70–1751	TransOcean Oil, Inc., et al.	19	[4] 4	Michigan Wisconsin Pipe Line Co. (Blocks 204 and 207, Ship Shoal Area, Offshore Louisiana) (Federal Domain).	9,945	6–1–70	[6] 7–2–70	[6] 7–3–70	[11] [12] 19.5	[7] [8] 20.0	
RI70–1752	Mobil Oil Corp.	176	[4] 26	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110, Offshore Louisiana) (Federal Domain).	9,125	6–1–70	[6] 7–2–70	[6] 7–3–70	[13] [14] 19.0	[7] [8] 20.0	
RI70–1753	Kewanee Oil Co.	77	[4] 2	Michigan Wisconsin Pipe Line Co. (Block 204 and 207, Ship Shoal Area, Offshore Louisiana) (Federal Domain).	8,078	6–1–70	[6] 7–2–70	[6] 7–3–70	[15] 19.5	[7] [8] 20.0	

[3] Supporting documents previously filed and accepted (Supplement No. 4) established an area rate of 18.5 cents for gas herein involved.
[4] Applies only to gas well gas produced from the newly discovered reservoirs.
[5] The stated effective date is the first day after expiration of the statutory notice period.
[6] The suspension period is limited to 1 day.
[7] Pursuant to Opinion No. 546–A based on the rate levels established in Opinion No. 567.
[8] Pressure base is 15.025 p.s.i.a.
[9] Initial rate as conditioned by temporary certificate issued Sept. 4, 1968, in Docket No. CI68–1400. Waiver of Condition (2) requested.
[10] Rate reduction to 18 cents per Opinion No. 546 filed but the effectiveness has been stayed.
[11] Initial rate as conditioned by temporary certificate issued May 3, 1968, in Docket No. CI68–941. Waiver of Condition (2) requested.
[12] Rate reduction to 18 cents and 17 cents per Opinion No. 546 filed but the effectiveness has been stayed.
[13] Initial service rate increase to 21.5 cents suspended in RI68–39 but has not been made effective.
[14] Rate reduction to 17 cents per Opinion No. 546 filed but the effectiveness has been stayed.
[15] Initial rate as conditioned by temporary certificate issued May 3, 1968, in Docket No. CI68–968. Waiver of Condition (2) requested.

Gulf Oil Corp. (Gulf) requests that its proposed rate increase be permitted to become effective as of May 25, 1970. Mobil Oil Corp. requests an effective date of June 1, 1970, for its proposed rate increase. TransOcean Oil, Inc. (TransOcean), and Kewanee Oil Co. (Kewanee) request waiver of the statutory notice period to permit an effective date of November 1, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The producers herein are proposing increases pursuant to Paragraph (A) of Opinion No. 546–A with respect to gas well gas determined in accordance with Opinion No. 567 to qualify for third vintage prices. Opinion No. 546–A lifted the moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to third vintage prices and permitted such producers to file for contractually authorized increases up to the 20 cent area base rate established in Opinion No. 546 for onshore gas. Gulf, TransOcean, and Kewanee's increases are from initial rates under temporary certificates which contain Condition (2) provisions prohibiting changes in such rates. Waiver of such condition is requested by these producers. Consistent with prior Commission action on similar filings, we conclude that condition (2) with respect to Gulf, TransOcean, and Kewanee's rate filings should be waived, and all of the increases proposed herein should be suspended for 1 day upon expiration of the statutory notice periods. Thereafter, the proposed rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69–1.

[F.R. Doc. 70–8288; Filed, June 30, 1970; 8:45 a.m.]

[Docket No. G-6668, etc.]

SIGNAL OIL AND GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 22, 1970.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

All certificates of public convenience and necessity granting applications for sales from the Permian Basin area will be issued at rates not exceeding the applicable area ceiling rates established in Opinions Nos. 468 and 468-A, 34 FPC 159 and 1068, or the contractually authorized rates, whichever are less, unless at the time of filing of such certificate applications or within the time fixed for filing protests and petitions to intervene, Applicants indicate in writing that they are unwilling to accept such certificates.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6668..... E 5-6-70	Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)) 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Lone Star Gas Co., Doyle Plant, Stephens County, Okla.	[1] 15.0	14.65
		Lone Star Gas Co., Aylesworth Plant, Marshall County, Okla.	[1] 13.0	14.65
		Lone Star Gas Co., Hoover Plant, Garvin County, Okla.	[1] 15.0	14.65
G-10048..... E 6-1-70	Aikman Bros. Corp. (successor to J. M. Huber Corp.), 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Natural Gas Pipeline Co. of America, West Beaver Panhandle Field, Beaver County, Okla.	[2] 16.5	14.65
CI61-92..... E 5-25-70	Beaver Mesa Exploration Co. (successor to Antelope Gas Products Co.) 500 Midland Savings Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Little Hoot Field, Logan County, Colo.	10.0	16.4
CI61-659..... D 4-30-70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Lucy Field, St. Charles, et al., Parishes, La.	Assigned	
CI62-739..... E 5-6-70	Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)).	Lone Star Gas Co., West Hoover Plant, Carter County, Okla.	[1] 17.0	14.65
CI63-577..... E 5-6-70	do	Lone Star Gas Co., Doyle Plant, Stephens County, Okla.	[1] 17.0	14.65
CI65-357..... E 6-5-70	Terra Resources, Inc. (Operator), et al. (successor to CRA, Inc. (Operator), et al.), 1410 Fourth National Bank Bldg., Tulsa, Okla. 74119.	Panhandle Eastern Pipe Line Co., Sunnyside Field, Beaver County, Okla.	17.0	14.65
CI65-1008..... D 1-26-70	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020 (partial abandonment).	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	[3]	.....
CI65-1319..... E 6-5-70	Terra Resources, Inc. (successor to CRA, Inc.).	Panhandle Eastern Pipe Line Co., Sunnyside Field, Beaver County, Okla.	[4] 17.0	14.65
CI66-771..... E 6-5-70	do	Arkansas Louisiana Gas Co., Nardin Field, Kay County, Okla.	[5] 13.0	14.65
CI66-853..... E 5-6-70	Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Co., Inc. (Operator)).	Panhandle Eastern Pipe Line Co., East Aline Plant, Alfalfa, Woods, Major, and Dewey Counties, Okla.	[4] 15.0	14.65
CI67-820..... E 5-6-70	do	Michigan Wisconsin Pipe Line Co., Northeast Lovedale Plant, Woods County, Okla.	[5] 15.0	14.65
CI67-1089..... E 5-12-70	Prudential Minerals Exploration Corp. (successor to General Petroleum Corp., et al.) Meadows Bldg., Dallas, Tex. 75206.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI67-1504..... E 5-12-70	do	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025
CI68-24..... E 5-12-70	Prudential Minerals Exploration Corp. (successor to General Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	12.0	15.025
CI68-1386..... E 6-5-70	Terra Resources, Inc. (successor to CRA, Inc.).	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	20.0	15.025
CI68-1432..... E 5-12-70	Prudential Minerals Exploration Corp. (successor to Eljohn Petroleum Corp.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI69-845..... E 5-12-70	Prudential Minerals Exploration Corp. (successor to General Petroleum Corp. et al.).	El Paso Natural Gas Co., Ignacio Area, La Plata County, Colo.	14.0	15.025
CI69-1154..... E 5-12-70	Prudential Minerals Exploration Corp. (successor to Eljohn Petroleum Corp.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI70-374..... E 5-6-70	Signal Oil & Gas Co. et al. (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc., et al.).	Panhandle Eastern Pipe Line Co., Northeast Trail Plant, Dewey County, Okla.	[7] 15.0	14.65
CI70-375..... E 5-6-70	Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)).	Panhandle Eastern Pipe Line Co., Aline Plant, Alfalfa, Woods and Major Counties, Okla.	[8] 15.0	14.65
CI70-777..... A 2-27-70	J. W. Kinzer, Post Office Box 155, Allen, Ky. 41601.	United Fuel Gas Co., acreage in Pike County, Ky.	28.0	15.325
CI70-869..... E 3-17-70	Glen E. Jeffery (successor to T. P. McAdams, Jr. (Operator) et al.), Box 677, Meade, Kans. 67864.	Northern Natural Gas Co., acreage in Meade County, Kans.	17.0	14.65
CI70-870..... E 3-17-70	do	do	17.0	14.65
CI70-1059..... (CI68-1246) F 6-1-70	J. Howard Marshall, II (Operator) et al. (successor to C. J. Pinner (Operator) et al.), 1320 Niels Esperson Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Gilmer Field, Upshur County, Tex.	12.1232	14.65
CI70-1060..... B 6-5-70	H. L. Hunt, 1401 Elm St., Dallas, Tex. 75202.	Lone Star Gas Co., Sherman Field, Grayson County, Tex.	Depleted	.....
CI70-1061..... B 6-5-70	do	do	Depleted	.....
CI70-1062..... A 6-5-70	A. C. Radford and J. W. Frame, Post Office Box 6, Winfield, W. Va. 25213.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	28.0	15.325
CI70-1063..... A 5-27-70	Pennzoil United, Inc., Post Office Drawer 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Boggs Field, Roane County, W. Va.	25.0	15.325
CI70-1064..... A 5-27-70	do	United Fuel Gas Co., Henry District, Clay County, W. Va.	25.0	15.325
CI70-1065..... A 5-28-70	R. H. Adkins, d.b.a. Fry Gas Co. and Workmen Gas Co. Box 555, Hamlin, W. Va. 25523.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	18.0	15.325

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	Price per Mcf	Pressure base
CI70-1066..... A 5-28-70	Sallie Skidmore, agent, 1045 East 10th St., Cookeville, Tenn. 38501.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
CI70-1067..... A 6-5-70	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, S½ SE¼ Block 247 and W½ NW¼ Block 265, Offshore Louisiana.	21.25	15.025
CI70-1068..... B 6-8-70	Harry R. Cronin, Jr. et al., d.b.a. HRC Gas & Oil Associates, Post Office Box 628, Fairmont, W. Va. 26554.	Consolidated Gas Supply Corp., acreage in Wetzel County, W. Va.	Depleted	.....
CI70-1069..... B 6-8-70	Genere Gas Industries, Inc.....	Texas Gas Transmission Corp., Northeast Bethany Field, Panola County, Tex.	Uneconomical	.....
CI70-1070..... A 6-8-70	C. F. Braun & Co., Alhambra, Calif. 91802.	Kansas-Nebraska Natural Gas Co., Inc., Northwest Tyrone Field, Texas County, Okla.	[4] 17.0	14.65
CI70-1071..... A 6-8-70	N. G. Clark, Post Office Box 427, Charleston, W. Va. 25322.	Equitable Gas Co., Hackers Creek District, Lewis County, W. Va.	27.0	15.325
CI70-1072..... A 6-8-70	James L. Fox Co., 1211 Patricia, Ann Arbor, Mich. 48103.	United Fuel Gas Co., acreage in Floyd County, Ky.	27.0	15.325
CI70-1073..... A 6-8-70	D. Lyman Stubblefield, Post Office Box 1127, Amarillo, Tex. 79105.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	14.0	14.65
CI70-1074..... B 6-8-70	Willard E. Ferrell, agent, for Medicine Men Development Co., Post Office Box 5056, Philadelphia, Pa. 19111.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Depleted	.....
CI70-1075..... A 6-8-70	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Blocks 247 and 265, Eugene Island Area, Offshore Louisiana.	21.25	15.025
CI70-1076..... A 6-8-70	George Dansby, c/o Russell Hagewood, agent, First National Bank Prestonsburg, Ky. 41653.	United Fuel Gas Co., acreage in Floyd County, Ky.	27.0	15.325
CI70-1077..... A 6-8-70	Ray Resources Corp., c/o William N. Morris, 630 Commerce Square, Charleston, W. Va. 25301.	Equitable Gas Co., acreage in Braxton County, W. Va.	25.0	15.325
CI70-1078..... A 6-8-70	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	13.0	15.025

[1] Rate in effect subject to refund in Docket No. RI66-712.
[2] Includes 0.5 cents per Mcf B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI61-554.
[3] Deletes assigned leases; others were surrendered and released.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Rate in effect subject to refund in Docket No. RI68-656.
[6] Subject to upward and downward B.t.u. adjustment. An increase in rate to 17 cents per Mcf was filed on May 11, 1970.
[7] Subject to upward and downward B.t.u. adjustment. Rate increase to 18 cents per Mcf suspended in Docket No. RI70-1660.
[8] Subject to upward and downward B.t.u. adjustment. Rate increase to 18 cents per Mcf suspended in Docket No. RI70-1661.
[9] Contract provides for rates of 15.0636 cents per Mcf for Dakota formation gas and 13.0551 cents per Mcf for Pictured Cliffs formation gas; however, applicant states its willingness to accept certificate at 13 cents per Mcf.

[F.R. Doc. 70-8286; Filed, June 30, 1970; 8:45 a.m.]

[Docket No. RP70-42]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Changes in FPC Gas Tariff

JUNE 29, 1970.

Take notice that Natural Gas Pipeline Co. of America (Natural), on June 25, 1970, tendered for filing proposed changes in its FPC gas tariff, second revised volume No. 1, to become effective on July 1, 1970. The proposed changes would enable Natural to limit its obligation to deliver and sell gas to its customers to certain specified monthly quantities without the imposition of delivery deficiency adjustments which would otherwise apply. Such changes would not directly increase charges for jurisdictional sales and transportation services but would have the effect of relieving Natural of delivery deficiency penalties estimated to be approximately $3½ million for the months of July through October 1970. The proposed changes would be applicable to Natural's jurisdictional rate schedules CD-1, CD-2, G-1, G-2, and PC-1.

Natural states the principal reasons for the proposed changes are unanticipated increase requirements of its customers for valley gas to supply the needs of electric utility generating plants which are under recent stringent regulations requiring low sulphur fuel to combat air pollution. Natural states that its gas supplies are insufficient to meet both these requirements and its customers' winter requirements.

Copies of the filing were served on Natural's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8449; Filed, June 30, 1970; 8:50 a.m.]

[Docket No. RP70-43]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 29, 1970.

Take notice that on June 26, 1970, Northern Natural Gas Co. (Northern), tendered for filing proposed changes in its FPC gas tariff, third revised volume No. 1, to become effective on July 27, 1970. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $37,950,398 annually, based on sales for the 12-month period ending February 28, 1970, as adjusted. The proposed changes would increase the rates in Northern's rate schedules CD, PL, WPS, R, PO, IPS, and ERS.

Northern's filing consists of two alternate sets of revised tariff sheets, the first of which contains a new section to be included in the general terms and conditions of the tariff, providing for monthly billing adjustments to reflect current changes in Northern's unit cost of purchased gas and a provision for flow-through of gas supplier refunds. Northern asks that the Commission waive the provisions of its regulations to the extent necessary for purposes of accepting for filing proposed tariff sheets incorporating such proposed purchased gas adjustment provisions. In the event the Commission will not waive such regulations for such purposes, then Northern requests that the Commission accept for filing the alternate set of revised tariff sheets, which does not contain a purchased gas adjustment provision. Northern states that in any event it proposes to raise, as an issue in the above entitled proceeding, the question of whether a purchased gas adjustment clause should be incorporated into its tariff.

Northern states that it proposes to revert to normalization accounting for liberalized depreciation in the calculation of its test period Federal income tax for both its pre-1970 properties and post-1969 properties. Northern also states that it will exercise its election under the Tax Reform Act of 1969 to choose accelerated depreciation with normalization on post-1969 utility properties, except such of said properties which may be constructed under any forthcoming Commission authorization in pending Dockets Nos. CP70-69, CP70-70, CP70-71. Northern proposes to commence a normalization method for accounting and ratemaking purposes for the calendar year 1971.

Northern further states that it has reflected in its proposed increased rates the effect of including in the rate base the investment in advance payments required to obtain a new gas supply in Canada and Montana for the purpose of meeting the growth requirements of Northern's customers.

The principal reasons stated by Northern for the increase in rate levels requested in its filing are: (a) Increased revenues needed to provide a return of 8.75 percent on rate base; (b) increased cost of obtaining new gas supplies and increases in prices for present gas supplies; (c) advance payments required to

obtain a new gas supply in Canada and Montana; (d) return to normalization accounting for liberalized depreciation in computing Federal income tax; (e) increased income, property and payroll taxes and; (f) increased cost of construction, wages, and supplies, and expenses.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). 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. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Northern's application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8448; Filed, June 30, 1970; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

HEALTH EVALUATION SYSTEMS, INC.

Order Suspending Trading

JUNE 24, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Health Evaluation Systems, Inc., a Delaware corporation, and all other securities of Health Evaluation Systems, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 25, 1970 through July 4, 1970 both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-8321; Filed, June 30, 1970; 8:46 a.m.]

[811-459]

INDIVIDUAL ASSURED ESTATES OF 1933

Notice of Proposal To Terminate Registration

JUNE 25, 1970.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Individual Assured Estates of 1933 ("Individual"), c/o Churchill C. Peters, President, Protected Investors of America, Russ Building, San Francisco, Calif. 94104, a California company registered as a unit investment trust, has ceased to be an investment company.

Individual was formed in 1933 to sponsor and service a systematic investment and insurance program through creation of individual 10 year Trusts for which Title Insurance and Guaranty Co. was original trustee, succeeded by Anglo London Bank as successor trustee.

Income from insurance and brokerage commissions did not meet the expenses and in 1937 Protected Investors of America ("Protected Investors") acquired all outstanding shares of Individual in exchange for shares of Protected Investors, and Protected Investors saw to it that all Trust accounts were properly serviced and liquidated at maturity. No new business was written for Individual after 1937 and all accounts were settled by May 31, 1951.

Protected Investors continued to pay the minimum annual California Franchise tax until 1960 on the possibility that Individual might be reactivated. However, in 1960 Protected Investors decided there was no further interest in Individual and paid no further tax and abandoned Individual.

The operation was suspended June 1, 1961, by order of the State of California franchise tax board in accordance with the intentions of Protected Investors.

Individual has no assets and no liabilities; it has one (1) shareholder of common stock but the stock has no value. Individual has had no business activity since May 31, 1951.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 17, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-8322; Filed, June 30, 1970; 8:46 a.m.]

[812-2672]

MIDNITE MINES, INC.

Notice of Filing of Application for Order That Company Is Not an Investment Company

JUNE 23, 1970.

Notice is hereby given that Midnite Mines, Inc. ("Midnite"), 601 Great Western Building, Spokane, Wash., a Washington corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority owned subsidiaries, or through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

On April 30, 1969, Midnite had total assets of $567,240 valued at cost. Among Midnite's assets is a 49 percent interest in the voting securities of Dawn Mining Co. ("Dawn"), carried at a cost of $389,804. There is no market value for Dawn securities. Dawn's book equity on December 31, 1968, was valued at $1,967,506 of which 49 percent or $964,078 represents Midnite's equity interest in Dawn.

The applicant, because of its stockholding in Dawn, which amounts to more than 40 percent of its assets, concedes that it is within the provisions of section 3(a)(3) of the Investment Company Act of 1940.

The applicant was incorporated in the State of Washington on December 10, 1954. A group of six individuals discovered uranium ore on land belonging to the Spokane Indian Tribe in April 1954. The Spokane Tribe granted these individuals a lease on 571 acres of land on October 1, 1954. The lease, together with all development work and ore stockpiled in place, was assigned to the applicant in exchange for stock. Midnite's articles of incorporation state the company was formed to purchase, lease, or otherwise

acquire mines, mining claims, and to explore, work, develop, smelt, and refine for market, ore and mineral substances of all kinds. Midnite's articles of incorporation do not permit it to engage in investment company activities.

On April 20, 1955, the applicant entered into an agreement with Newmont Mining Corp., a Delaware corporation, whereby Dawn would be created "with ample powers to prospect, explore, acquire, own, and operate mining properties, plant, and equipment, including mills and sampling plants, in the State of Washington." Dawn is the operator of the "Midnite Mine." The applicant transferred the aforementioned lease to the Dawn in exchange for 147,000 shares of common stock (49 percent) and Newmont received 153,000 shares (51 percent). The agreement provides that the stock of Dawn may not be increased or additional stock issued without unanimous consent of all stockholders.

The agreement also provides that Dawn shall have seven directors of whom four shall be nominees of Newmont and three shall be nominees of the applicant. The by-laws of Dawn provide for the creation of an executive committee composed of three members, one of which shall be the nominee of the applicant.

Article 10 of the agreement provides: "The parties hereto [Midnite and Newmont] intend that the new company [Dawn] shall serve as the exclusive vehicle through which they shall cooperate in the business of mining exploitation of mining prospects and properties within [a 100 mile radius of the Midnite mine, except for the Coeur d'Alene Mining District] * * *."

In the event that Dawn shall determine to terminate operations on the Midnite mine property, Newmont agreed to promptly consent to the immediate reassignment of the mining leases to the applicant. Also, if Dawn terminates operations, Newmont shall have the right and option to transfer to applicant its 51 percent stock interest in Dawn.

During the period 1958 through 1966, substantially all of Midnite mine's production, amounting to 4,783,736 pounds of uranium-oxide was sold to the Atomic Energy Commission. The shipments of uranium-oxide to the Atomic Energy Commission during the period July 1, 1965, to December 31, 1966, were made from stockpile established prior to shutdown in June 1965. A small amount of uranium-oxide still remains in stockpile. The Midnite mine was inactive from 1965 until April of 1968, at which time Dawn entered into a contract to sell uranium concentrates to eastern utility companies.

Dawn's annual financial statements reveal that it earned $4,172,297 in 1966 from the sale of uranium ore. It had no income from sale of this ore in 1967 and 1968, due to the shutdown of operations. Rehabilitation of Dawn's mining and processing facilities for resumption of operations was completed in 1969 and mining operations began on August 1, 1969. A three-shift, 5-day-per-week milling operation started in January 1970. Shipments of uranium ore by Dawn in performance of its sales contract commenced January 2, 1970. Dawn, reporting its income on a calendar year basis, did not have any income from sales of these uranium concentrates for its calendar year 1969.

On April 30, 1969 Midnite's assets were composed of cash and receivables (approximately 4 percent), fixed assets (approximately 20 percent), securities of Dawn (approximately 69 percent) and other investment securities (approximately 7 percent). Midnite acquired most of these other investment securities, which are minority interests in mining companies, by financing a claim-staking program and contributing to the expenses of acquisition of groups of unpatented claims located in the Coeur d'Alene, Idaho, mining district, and in adjacent Mineral County, Mont.

As part of its fixed assets, Midnite recently purchased the Polaris Mine located in Beaverhead County, Mont., which consists of seven patented mining claims. In addition, 40 unpatented claims adjacent to the seven patented claims were acquired. Geological reports available indicate that relatively high-grade silver ore was mined in the past from the Polaris Mine on a limited scale. Midnite has commenced to rehabilitate the mine and is presently mining ore. To date, the applicant has expended $162,000 on the Polaris Mine for acquisition and operating costs. The applicant also has a working agreement with the owners of the Little Giant, mercury claims located in Yakima County, Wash. This property represents an unexplored prospect.

Midnite's four sources of income have been as follows:

	Apr. 30, 1969	Apr. 30, 1968	Apr. 30, 1967	Apr. 30, 1966	Apr. 30, 1965
Dividends from Dawn	None	$122,500	$612,500	$735,000	$980,000
Interest received	$502	1,316	1,568		
Federal income tax refund	16,859				
Other	9,824	1,644	4,935	188	83
Totals	27,185	125,460	619,003	735,188	980,083

Four million fifty-five thousand two hundred and fifty shares of the applicant's common stock were outstanding as of April 30, 1969. There were 912 stockholders at that date. As of July 31, 1969, no person owned of record or, to the knowledge of the applicant, owned beneficially, more than 10 percent of the outstanding shares of common stock of the applicant. At July 31, 1969, the officers and directors of the applicant, as a group, owned beneficially and of record 1,281,691 shares.

The applicant is managed by a nine-man Board of Directors, four of whom were organizers of the applicant. In addition, one board member is a professional mining engineer. The officers and directors, except for George Wynecoop, do not devote fulltime to the affairs of the applicant. Over one-third of the board members are experienced in the mining industry.

The applicant's stock ownership in Dawn has remained unchanged since its inception. But for the acquisition of minority interests in inactive mining companies as mentioned above, the applicant has not engaged in the trading of securities since its inception. The applicant does not maintain, and never has maintained, an analytical or trading staff or an investment department. The applicant's officers and directors are not and never have been engaged in the securities trading industry.

Section 3(b)(2) of the Act, among other things, except from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly through majority-owned subsidiaries' or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than July 15, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–8323; Filed, June 30, 1970; 8:46 a.m.]

[811-322]

STANDARD HOLDING CORP.

Notice of Proposal To Terminate Registration

JUNE 25, 1970.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Standard Holding Corp. ("Standard"), c/o Rein, Mould & Cotton, Counselors at Law, 56 Pine Street, New York, N.Y. 10005, a New York corporation which registered as a closed-end nondiversified management investment company on November 1, 1940, has ceased to be an investment company.

Counsel for Standard represents that Standard is doing no business, its corporate existence has been terminated, a certificate of dissolution has been filed with the State of New York, and all assets were distributed on a pro rata basis on or before October 1, 1968. The effective date of dissolution was October 1, 1968. At the time of the dissolution, Standard had five(5) voting stockholders of which four (4) were members of one family. There were approximately thirty (30) public nonvoting stockholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than July 16, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the company at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8324; Filed, June 30, 1970; 8:46 a.m.]

[70–4894]

TRANSOK PIPE LINE CO. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Issue and Sale of Short-Term Notes to Parent Company

JUNE 25, 1970.

Notice is hereby given that Public Service Company of Oklahoma ("Public Service"), a public-utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, and Transok Pipe Line Co. ("Transok"), 600 South Main Street, Tulsa, Okla. 74102, an intrastate pipeline company and a subsidiary company of Public Service, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Transok proposes to issue and sell from time to time, and Public Service proposes to acquire, Transok's unsecured promissory notes in an amount not to exceed $12 million at any one time outstanding. Each note will be dated the date each such borrowing is made, will mature on a date not more than 12 months from the date thereof, but not later than December 31, 1971, and will bear interest from the date thereof until maturity at the prime rate of interest in effect at The First National Bank of Chicago on the date each such borrowing is made. The notes may be prepaid by Transok in whole or in part at any time without premium or penalty. It is contemplated that the notes issued by Transok will be paid from the proceeds of permanent financing which will be the subject of a future filing.

The proceeds of the notes will be used by Transok to pay a portion of the cost of construction of certain gas facilities, primarily the construction of a 20-inch pipeline extending from the Southwest Ames Area gas field in Major County, northwest Oklahoma, to the Northeastern generating station of Public Service in Rogers County, Okla., a distance of about 144 miles, and related gas gathering facilities.

It is stated that only incidental expenses estimated at $150 are to be incurred in connection with the proposed transactions. In addition, counsel for the companies estimate that $1,000 of their annual retainer is allocable to the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 13, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8325; Filed, June 30, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

FORSYTH COUNTY INVESTMENT CORP.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company (MESBIC)

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Forsyth County Investment Corp., Suite 305, Pepper Building, Fourth and Liberty Streets, Winston-Salem, N.C. 27101, for a license to operate in the State of North Carolina as a MESBIC under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.).

All of the applicant's stock will be owned by The Forsyth County Economic Development Corp., a tax-exempt nonprofit corporation organized and operated under the Non-Profit Corporation Act of the State of North Carolina.

The officers and directors of the applicant are as follows:

Dr. P. M. Brandon, President and Director, 3341 Cumberland Road, Winston-Salem, N.C. 27105.
Max H. Crohn, Jr., Vice President and Director, 440 Archer Road, Winston-Salem, N.C. 27106.
Charles A. Cardwell, Jr., Secretary and Director, 2823 Greenway Avenue, Winston-Salem, N.C. 27105.
John W. Davis III, Treasurer and Director, 356 Pennsylvania Avenue, Winston-Salem, N.C. 27104.
James F. Hansley, Executive Director, 2151 New Castle Drive, Winston-Salem, N.C. 27103.
George A. Lawson, Director, 2317 Glenn Avenue, Winston-Salem, N.C. 27105.
Bennie L. Swepson, Director, 2533 Kalkare Avenue, Winston-Salem, N.C. 27100.
Charles C. Lassiter, Director, 2315 North Cherry Street, Winston-Salem, N.C. 27105.
Nathan E. Sosnick, Director, 1224 West First Street, Winston-Salem, N.C. 27104.
Gordon Hanes, Director, Pfafftown, N.C. 27040.
Charles W. DeBell, Director, 314 Buckingham Road, Winston-Salem, N.C. 27104.
Dalton D. Ruffin, Director, 2871 Galsworthy Drive, Winston-Salem, N.C. 27106.
Harvey E. Staplefoote, Director, 2031 Temple Street, Winston-Salem, N.C. 27101.
Everett L. Martin, Director, 3920 Glen Oak Drive, Winston-Salem, N.C. 27105.
Walter T. Baron, Director, 434 27th NW., Winston-Salem, N.C. 27100.
Winford D. Turner, Director, 900 Manly Street, Apt. 44, Winston-Salem, N.C. 27105.
J. Kenneth Burge, Director, 720 Pine Valley Road, Winston-Salem, N.C. 27106.
R. Philip Hanes, Jr., Director, 2721 Robinhood Road, Winston-Salem, N.C. 27106.
Leslie M. Myers, Sr., Director, 590 Quarterstaff Road, Winston-Salem, N.C. 27104.

The company will have an initial capitalization of $150,000 and will carry on its operations in the State of North Carolina. It will not concentrate its investments in any particular industry.

Pursuant to its stated investment policy, the company will provide assistance solely to small business concerns, which will contribute to a well-balanced economy by facilitating ownership by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management and the probability of successful operation of the company under their management, including adequate profitability and soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than ten (10) days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

JUNE 24, 1970.

[F.R. Doc. 70-8328; Filed, June 30, 1970; 8:47 a.m.]

PREFERRED GROWTH CAPITAL, INC.

Notice of Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA Rules and Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of the Preferred Growth Capital, Inc. (Preferred Growth), 2035 58th Avenue SW., Portland, Oreg. 97221, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 12/13-0002.

Preferred Growth was licensed on April 1, 1960. As of March 31, 1970, the paid-in capital and paid-in surplus from private sources totals $317,800. Its outstanding common stock is owned by 36 shareholders. The proposed transfer of control is subject to and contingent upon the approval of State and Federal regulatory agencies and SBA. The proposed officers and directors are as follows:

A. F. Coats, president, treasurer and director, Sylvan Building, Portland, Oreg. 97221.
Andrew Price, Jr., director, 1100 Second Avenue, Seattle, Wash. 98101.
Ralph J. Stowell, director, 1100 Second Avenue, Seattle, Wash. 98101.
Robert B. Wilson, director, 309 Southwest Sixth Avenue, Portland, Oreg. 97204.
David L. Davies, secretary and director, 309 Southwest Sixth Avenue, Portland, Oreg. 97204.
Andrew D. Norris, director, 309 Southwest Sixth Avenue, Portland, Oreg. 97204.
J. D. Bird, director, 309 Southwest Sixth Avenue, Portland, Oreg. 97204.

The proposed owners of the outstanding stock of the Licensee are:

Marine Bancorporation, 49 percent shareholder, 1100 Second Avenue, Seattle, Wash. 98101.
U.S. Bancorp, 49 percent shareholder, 309 Southwest Sixth Avenue, Portland, Oreg. 97204.
A. F. Coats, 2 percent shareholder, Sylvan Building, Portland, Oreg. 97221.

A tender offer has been made to the present shareholders at a cash price of $12.598 per share which will represent a total purchase price of $392,352 for 31,144 outstanding shares.

The operating area of preferred growth will be in the States of Oregon and Washington.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners, and probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed transfer of control. Any such consideration should be addressed to the Associate Administrator, for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferees in newspapers of general circulation in Portland, Oreg., and Seattle, Wash.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

JUNE 19, 1970.

[F.R. Doc. 70-8329; Filed, June 30, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[35251]

RELIEF FROM CERTAIN FILING REQUIREMENTS OF SECTION 218(a) PETITION OF BANKERS DISPATCH CORPORATION

JUNE 22, 1970.

The Commission is in receipt of a petition filed by Bankers Dispatch Corp., assigned the above docket number and title, requesting relief from the requirements of section 218(a) of the Interstate Commerce Act with respect to filing schedules of its actual rates and charges similar to the relief granted in Armored Carrier Corp. Petition for Relief, section 218(a), 303 ICC 781; and confirmation that the operations of petitioner are within the purview of 49 CFR section 1053.3, to preclude the necessity of filing copies of its transportation contracts with the Commission.

The petition may be inspected at the office of the Commission in Washington, D.C.

Any persons interested in the matters involved in the petition and desiring to participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER, fully disclosing their interest and the position they intend to take with respect to the petition.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8357; Filed, June 30, 1970; 8:48 a.m.]

[S.O. 994; ICC Order No. 26; Amdt. 5]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1970,

unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1970, and that this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-8360; Filed, June 30, 1970; 8:49 a.m.]

[S.O. 994; ICC Order No. 43; Amdt. 1]

FRANKFORT AND CINCINNATI RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 43 (Frankfort and Cincinnati Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 43 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1970, and that this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-8359; Filed, June 30, 1970; 8:49 a.m.]

[Ex Parte No. 265]

INCREASED FREIGHT RATES, 1970

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 25th day of June, A.D. 1970.

Upon consideration of the record in the above-entitled proceeding, a petition filed April 30, 1970, by the Long Island Railroad Co. to reject or suspend the master tariff and/or connecting-link supplements, and a reply thereto, filed May 11, 1970 by the respondent railroads, and;

It appearing, That the issues presented by the petition are the same as were presented in Ex Parte No. 262 (Sub-No. 1), Petition for Declaratory Order—Rule 52 of Tariff Circular No. 20 and have been fully disposed of by our decisions in that proceeding as set forth in our reports and orders entered February 2, 1970, and June 23, 1970, and good cause appearing therefor;

It is ordered, That the said petition be, and it is hereby, denied for the reasons expressed in our reports described above and no other sufficient grounds exist to warrant granting the requested relief.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8361; Filed, June 30, 1970; 8:49 a.m.]

[Notice 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 26, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

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 1042.4(d)(12) 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 Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59957 (Deviation No. 10), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, Pa. 17405, filed June 15, 1970. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Harrisburg, Pa., and Williamsport, Pa., over U.S. Highway 15, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Harrisburg, Pa., over U.S. Highway 22 to Lewistown, Pa., thence over U.S. Highway 322 to Potters Mill, Pa., thence over Pennsylvania Highway 144 (formerly Pennsylvania Highway 53) to Milesburg, Pa., thence over U.S. Highway 220 to junction U.S. Highway 15 at Williamsport, Pa., and return over the same route.

No. MC 69116 (Deviation No. 39), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed June 19, 1970. Carrier's representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From Dallas, Tex., over U.S. Highway 75 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 266, at or near Checotah, Okla., thence over U.S. Highway 266 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 64, thence over U.S. Highway 64 to Tulsa, Okla., and (2) from Oklahoma City, Okla., over Interstate Highway 40 to junction U.S. Highway 69, at or near Checotah, Okla., thence over U.S. Highway 69 to junction U.S. Highway 66 near Vinita, Okla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to Oklahoma City, Okla., (2) from Dallas, Tex., over U.S. Highway 77 via Denton, Tex., to Oklahoma City, Okla., (3) from Fort Worth, Tex., over U.S. Highway 377 to Denton, Tex., and (4) from Dallas, Tex., over Texas Highway 183 to Fort Worth, Tex., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8352; Filed, June 30, 1970; 8:48 a.m.]

[Notice 58]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 26, 1970.

The following publications are governed by the new Special Rule 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 83539 (Sub-No. 280), filed May 28, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701, and Kenneth Weeks (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Newport, Ark., to all points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles (except commodities in bulk) from all points in the United States (except Alaska and Hawaii), to Newport, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: July 8, 1970, in Room 5404, Federal Office Building, 700 West Capitol Street, Little Rock, Ark., before Examiner Leonard J. Kassel.

No. MC 51146 (Sub-No. 145) (Republication), filed July 28, 1969, published in the FEDERAL REGISTER issue of August 28, 1969, and republished this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated May 28, 1970, and served June 19, 1970, 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 irregular routes, of cellulose materials and products, paper and paper products, and materials, equipment, and supplies used in the production and distribution of the above described commodities (except in each instance commodities in bulk), (1) between the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo., on the one hand, and, on the other, Chicago, Ill., Memphis, Tenn., Birmingham, Ala., and points in Arkansas (except Blytheville, and points in its commercial zone) and Louisiana, and (2) between the plantsite of Charmin Paper Products Co. near Neely's Landing, Mo., on the one hand, and, on the other, points in Alabama (except points in the Birmingham commercial zone), Illinois (except points in the Chicago commercial zone), points in that portion of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460), Indiana (except Evansville and points in its commercial zone), Iowa, Kentucky, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee (except points in Tennessee in the Memphis commercial zone), West Virginia and Wisconsin; restricted in (2) above against the transportation of paper and paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio, and Florence, Ky., and points in their commercial zones. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings; 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 petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109064 (Sub-No. 21) (Republication), filed September 29, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished this issue. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, Post Office Box 17007, Fort Worth, Tex. 76102. A recommended report and order of the hearing examiner served May 15, 1970, and which became effective June 15, 1970, and served June 22, 1970, finds; that the present and future public convenience and necessity require operation by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, of plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, vinyl building products, and accessories used in the installation of such products: (1) From McPherson, Kans., to points in the United States (except Alaska and Hawaii), and (2) from Waco, Tex., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Oklahoma, Kansas, Colorado, New Mexico, Arizona, Utah, California, Nevada, and Texas. The authority granted to the extent it duplicates any authority held by applicant shall not be construed as conferring more than a single operating right. Because it is possible that other parties, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115771 (Sub-No. 12) (Republication), filed January 23, 1970, published in the FEDERAL REGISTER issue of February 19, 1970, and republished this issue. Applicant: PENBROOK HAULING COMPANY, INC., Post Office Box 4213, Harrisburg, Pa. 17111. Applicant's representative: Robert L. Bailey (same address as applicant). The modified procedure has been followed. This proceeding and an order of the Commission, Operating Rights Board, dated June 16, 1970, and served June 24, 1970, 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 irregular routes, of (A) (1) trailers, trailer chassis (except trailers and trailer chassis designed to be drawn by passenger automobiles), and trailer converter dollies, in initial movements, in truckaway and driveaway service, and (2) tractors, in secondary driveaway service, only when drawing trailers, and trailer chassis in initial driveaway service, from points in Mecklenburg County, N.C., to points in the United States (except Alaska and Hawaii), (3) truck bodies, trailer bodies, and cargo containers, and (4) materials, supplies, and parts used in the manufacture, assembly, or servicing of the commodities described in (1) and (3) above when moving in mixed loads with the latter commodities, between points in the United States (except Alaska and Hawaii); and (B) returned shipments of the commodities described in (A) (1) and (2) above, from the said destination points to the said origin points. Because it is possible that other parties who have relied upon the notice of the application as previously 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, 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 an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116077 (Sub-No. 284) (Republication), filed December 22, 1969, published in the FEDERAL REGISTER issue of February 5, 1970, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, 401 First National Life Building, Austin, Tex. 78701. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated June 5, 1970, and served June 19, 1970, 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 irregular routes, of alcoholic beverages, in bulk, in tank vehicles, from Laredo, Tex., to New Orleans, La. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128273 (Sub-No. 52) (Republication), filed September 10, 1969, published in the FEDERAL REGISTER issue of

October 9, 1969, and republished this issue. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. A recommended report and order of the Hearing Examiner served May 15, 1970, was made effective June 15, 1970, and served June 22, 1970, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, over irregular routes, of plastic pipe, plastic tubing, plastic conduit, plastic mouldings, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products, and accessories used in the installation of such products (except commodities in bulk); (1) from McPherson, Kans., to points in the United States (except Alaska and Hawaii); and (2) from Waco, Tex., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Oklahoma, Kansas, Colorado, New Mexico, Arizona, Utah, Nevada, and California. 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 report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133916 (Republication), filed July 22, 1969, published in the FEDERAL REGISTER issue of August 28, 1969, and republished in this issue. Applicant: AIR FREIGHT TRANSPORTERS, INC., 901 Harrison Street, Nashville, Tenn. 37203. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights Board, dated June 15, 1970, and served June 23, 1970, 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 irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk); (1) between Berry Field, Nashville, Tenn., on the one hand, and, on the other, points in Kentucky (except points in Adair, Barren, Clinton, Cumberland, Metcalfe, Monroe, Russell, Simpson, Warren, and Wayne Counties, Ky.), restricted to the transportation of traffic having an immediately prior or subsequent movement by air; and (2) between points in Kentucky. Because it may be possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack or 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 an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 126230 (Sub-No. 1) (Notice of Filing of Petition for Addition of a Shipper), filed June 8, 1970. Petitioner: SOUTHERN PACKAGING & STORAGE COMPANY, INC., Post Office Box 3066, Greenville, Tenn. Petitioner is authorized in No. MC 126230 (Sub-No. 1), to transport printing paper, other than newsprint, printed or not printed, for U.S. Plywood-Champion Papers, Inc., from Greenville, Tenn., to Rogersville, Tenn., under contract with West Virginia Pulp & Paper Co. By the instant petition, petitioner seeks to add U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, Ohio, as a shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128744 (Notice of Filing of Petition to Add an Additional Contracting Party), filed June 9, 1970. Petitioner: SPRUILL TRANSPORTATION CO., INC., Windsor, N.C. Petitioner's representative: Vaughan S. Winborne, 1808 Capital Club Building, Raleigh, N.C. 27601. Petitioner holds a permit in No. MC 128744 to transport: Gasoline, kerosene, distillate fuel oil, commercial medium fuel oil, and diesel fuel, in bulk, in tank vehicles, from Norfolk, Va., to points in Hertford, Gates, Bertie, Martin, Northampton, Halifax, and Washington Counties, N.C., with no transportation for compensation on return except as otherwise authorized, under continuing contract, or contracts, with the following shippers: Spruill Oil Co., Inc., of Shoskie, N.C., Bertie-Martin Oil Co., Inc., of Windsor, N.C., and Spruill & Sons Oil Co., Inc., of Roper, N.C. By the instant petition, it seeks to add Union Oil Company of California. Any interested person desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

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-10729 (HOPPER TRUCK LINES—Purchase (Portion)—C-B TRUCK LINES, INC.), published in the January 28, 1970, issue of the FEDERAL REGISTER on page 1137. Supplement filed June 10, 1970, to show joinders CARROLL J. ROUSH, DAVID P. ROUSH, G. JON ROUSH, and DIANE G. ROUSH, CUSTODIAN FOR MINORS, all of 2800 West Bayshore Road, Palo Alto, Calif. 94303, as persons in control of HOPPER TRUCK LINES.

No. MC-F-10868. Authority sought for purchase by LEE MOTOR LINES, INC., 4319 South Madison, Muncie, Ind. 47302, of the operating rights of OLIVE L. KNECHT, ADMINISTRATRIX of the estate of LEO V. KNECHT, doing business as KNECHT TRUCKING CO., East 9th at Spring Streets, Hartford City, Ind. 47348, and for acquisition by EUGENE LEE AND MARGRETT LEE, both also of Muncie, Ind., of control of such rights through the purchase. Applicants' attorney: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Alum*, as a *common carrier*, over irregular routes, from Joliet, Ill., to Hartford City, Ind., *strip and window glass*, from Mount Vernon, Ohio, to Hartford City, Ind., from Hartford City, Ind., to Chicago and Aurora, Ill., and Canton, Ohio, from Clarksburg and Sisterville, W. Va., and certain specified points in Pennsylvania to Hartford City, Ind., *cullet*, from Chicago, Ill., to certain specified points in Indiana, from Hartford City, Ind., to Clarksburg, W. Va., *canned goods*, from Hartford City, Ind., to Chicago, Ill., and Akron and Cleveland, Ohio, from Marion and Fairmount, Ind., to points in a described area of eastern Ohio and western Pennsylvania from Eaton, Ind., to Cincinnati and Steubenville, Ohio, *wool*, from Muncie and Hartford City, Ind., to Cincinnati, Ohio, *paper in rolls*, from Cincinnati, Ohio, to Hartford City, Ind., *paper products*, from Hartford City, Ind., to Frankfort and Louisville, Ky., and certain specified points in Michigan, St. Louis, Mo., and points in Illinois and Ohio.

Window glass, plate glass, counter display cases (glass, wood, and steel, set up or knocked down), *metal store display racks, hardware, and iron*, from Hartford City, Ind., to points in Illinois and Ohio, points in described areas of Missouri, Iowa, Kentucky, Pennsylvania, and West Virginia, *tin cans*, from Chicago, Ill., to Hartford City, Ind., *agricultural implements*, from Rockford, Ill., and Racine, Wis., to Indianapolis, Ind., *sheet iron and sheet steelware shelves, wire, tinware, and steelware* for kitchen cabinets, from Albany, Ind., to Littlestown and Oxford, Pa., *hay*, from Hartford City, Ind., to Louisville, Ky., *machinery*, used in the manufacture of paper, from Hartford City, Ind., to Hamilton, Ohio, *papermill machinery*, from Hamilton, Ohio, to Hartford City, Ind., *boxboard, strawboard, corrugated, solid, and fibreboard boxes*, including liners, pads, and partitions, and *corrugated and solid fibreboard*, from Hartford City, Ind., to Pittsburgh and Monessen, Pa., and Wheeling

and Huntington, W. Va., *corrugated and fibreboard boxes and paper products*, from Hartford City, Ind., to points in a described area of southern Michigan, *scrap paper*, from Chicago, Ill., to Vincennes, Ind., *scrap and mixed paper*, from Chicago, Ill., Connellsville, and Pittsburgh, Pa., Wheeling, W. Va., Louisville, Ky., and certain specified points in Ohio, to Hartford City, Ind.

Vitrified sewer pipe and flue lining, from Dennison and Uhrichsville, Ohio, to Connersville and Shelbyville, Ind., and points in that part of Indiana on and North of U.S. Highway 40, *lime*, from Delaware and Woodville, Ohio, to points in that part of Indiana on and north of U.S. Highway 40, *fertilizer*, from Louisville, Ky., and Lockland and Cincinnati, Ohio, to points in Indiana, from Chicago Heights, Ill., to points in that part of Indiana on and north of U.S. Highway 40, from Lockland, Ohio, to Louisville, Ky. Restriction: separate grants of authority contained herein shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service. Vendee, is authorized to operate as a common carrier in Illinois, Indiana, Ohio, Michigan, Virginia, District of Columbia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10869. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, Ga. 30315, of the operating rights of TIM'S MOTOR SERVICE, INC., 3031 South Shields Avenue, Chicago, Ill. 60616, and for acquisition by H. D. WINSHIP, also of Atlanta, Ga., of control of such rights through the purchase. Applicants' attorneys: Robert C. Dryden, 2090 Jonesboro Road SE., Atlanta, Ga. 30315, Bates Block, First National Bank Building, Atlanta, Ga. 30303 and Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60602. Operating rights sought to be transferred: *General commodities*, except those of unusual value, alcoholic beverages, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Chicago, Ill., and Waukegan, Libertyville, and Barrington, Ill., serving all intermediate points, and the off-route points of Northfield, Northbrook, Techny, Prairie View, and Lake Zurich, Ill. Vendee is authorized to operate as a *common carrier* in Tennessee, Georgia, and Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10870. Authority sought for purchase by W. F. BUCKLEY COMPANY, INC., 50 Midway Street, Boston, Mass. 02210, of the operating rights of ACTIVE TRUCKING, INC., Post Office Box 767, Islington, Mass., or 251 Rock Street, Norwood, Mass., and for acquisition by LESLIE B. MORASH, also of Boston, Mass., of control of such rights through the purchase. Applicants' attorney: John F. Curley, 15 Court Square, Boston, Mass. 02108. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Providence, R.I., and Boston, Mass., serving certain intermediate and off-route points; and *automobile parts, accessories, tires, and tubes*, over irregular routes, between Boston, and Cambridge, Mass., on the one hand, and, on the other, certain specified points in Rhode Island. Vendee is authorized to operate under certificate of registration, as a *common carrier*, in interstate commerce, solely within the State of Massachusetts. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-99276 Sub-No. 2 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8353; Filed, June 30, 1970; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 26, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (Unknown), filed June 9, 1970. Applicant: HARVEY L. DOTY AND JEAN C. DOTY, doing business as INTERCITY FREIGHT LINES, Post Office Box 576, Plains, Mont. 59859. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, as a class B carrier between Missoula, Mont., and points and places in Mineral and Sanders Counties, Mont. Transportation of bulk commodities to Mineral County would be prohibited. Applicant seeks to transport commodities from Mineral and Sanders Counties to Missoula, Mont., for eventual transportation out of State and to transport commodities reaching Missoula, Mont., in interstate commerce to points and places in Mineral and Sanders Counties. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to Board of Railroad Commissioners of the State of Montana, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

State Docket No. Amend 2600, filed June 5, 1970. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, San Antonio, Tex. 78206. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities:* (a) Between Dallas, Tex., and Marshall, Tex., via Tyler, Tex., and Longview, Tex., over Interstate Highway 20 between Dallas, Longview, and Marshall and from the intersection of Interstate Highway 20 and U.S. Highway 69 to Tyler, thence over U.S. Highway 271 to its intersection with Interstate Highway 20 and return over the same routes, serving all intermediate points including Tyler, except those between the intersection of Interstate Highway 20 with U.S. Highway 69 and Tyler and those between Tyler and the intersection of U.S. Highway 271 with Interstate Highway 20; (b) between Dallas, Tex., and Jacksonville, Tex., over U.S. Highway 175 and return over the same route, serving no intermediate points but serving the termini as may be authorized otherwise under this application; (c) between Tyler, Tex., and Beaumont, Tex., over U.S. Highway 69 and return over the same route, serving all intermediate points; (d) between Marshall, Tex., and Beaumont, Tex., over U.S. Highway 59 to Tenaha, Tex., thence over U.S. Highway 96 to Beaumont, Tex., and return over the same route, serving all intermediate points; (e) between Houston, Tex., and Longview, Tex., over U.S. Highway 59 to Nacogdoches, Tex., thence U.S. Highway 259 to Longview and return over the same route, serving all intermediate points; (f) between Corsicana, Tex., and Tyler, Tex., over Texas Highway 31 and return over the same route, serving no intermediate points but serving the termini as authorized under applicant's present certificate and as may be authorized otherwise under this application; (g) between Athens, Tex., and Palestine, Tex., over Texas Highway 19 and return over the same route, serving Palestine only and serving Athens only as a point of joinder with other routes; (h) between Palestine, Tex. and Marshall, Tex., over U.S. Highway 79 to Henderson, Tex., thence Texas Highway 43 to Marshall and return over the same route, serving Palestine, Jacksonville, Henderson, and Marshall; (i) between the intersection of U.S. Highway 84 with Texas Highway 294, approximately 1 mile north of Long Lake, Tex., and San Augustine, Tex., over Texas Highway 294 to Alto, Tex., thence Texas Highway 21 to San Augustine and return over the same route, serving Long Lake and Elkhart, Tex., as authorized under applicant's present certificate and serving Alto, Nacogdoches, and San Augustine and all intermediate points between Nacogdoches and San Augustine; (j) between

Crockett, Tex., and Alto, Tex., over Texas Highway 21 and return over the same route serving only the termini as authorized under applicant's present certificate and as may be authorized otherwise under this application; (k) between Crockett, Tex., and Woodville, Tex., over U.S. Highway 287 and return over the same route, serving Crockett as authorized under applicant's present certificate and serving Corrigan, Tex., and Woodville as may be authorized otherwise under this application.

(1) Between Oakhurst, Tex., and Jasper, Tex., over U.S. Highway 190 and return over the same route, serving Oakhurst as authorized under applicant's present certificate and serving Livingston, Tex., Woodville, Tex. and Jasper as may be authorized under this application; (m) between Livingston, Tex. and Beaumont, Tex. over Texas Highway 146 to Rye, Tex., thence Texas Highway 105 to Beaumont, and return over the same route, serving the termini only; (n) between Conroe, Tex. and Cleveland, Tex. over Texas Highway 105 and return over the same route, serving Conroe as authorized under applicant's present certificate and serving Cleveland as may be authorized under this application. Applicant proposes to tack and to coordinate the proposed additional services with all services now authorized in intrastate commerce under Texas certificate No. 2600 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket MC 2226 and all Subs thereunder. Applicant seeks no duplicating authority. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice of publication in the FEDERAL REGISTER, at the Railroad Commission of Texas. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69–144–MP/A, filed May 2, 1969. Applicant: INSIDE ALASKA TOURS, INC., doing business as American Sightseeing of Alaska, 1014 Southwest Sixth Avenue, Portland, Oreg. 97204. Applicant's representative: Andrew E. Hoge, 921 Sixth Avenue, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a passenger service as follows: *Passengers and their baggage,* (1) Limousine common carrier to and from all points of passenger arrival and departure, including all transportation terminals, housing facilities, and tourist attractions, (2) Sightseeing and tour common carrier, with the further provision that IAT be allowed to carry limousine passengers in connection with its sightseeing and as a tour carrier along a regular route and routes to be determined by the carrier, and (3) charter carrier on all streets, roads, or highways within, adjacent or contiguous to Skagway, Alaska, which are now in existence or to be built in the future, including charter service originating in Skagway. On all streets, roads or highways now in existence or to be constructed in the future, which are in, contiguous or adjacent to the city of Skagway, Alaska. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70–8351; Filed, June 30, 1970; 8:48 a.m.]

[Notice 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 25, 1970.

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 1131) 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 107496 (Sub-No. 784 TA), filed June 22, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sugar,* dry, in bulk, in tank vehicles, from Mason City, Iowa, to Neenah and Waukesha, Wis., and Bensenville, Deerfield, Elk Grove Village, and Gurnee, Ill., for 150 days. Supporting shipper: American Crystal Sugar Company, Post Office Box 419, Denver, Colo. 80201. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107541 (Sub-No. 30 TA), filed June 22, 1970. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood flour,* in bales and packages, from Grants Pass, Oreg., to Richmond, Pittsburg, and Southgate, Calif., for 180 days. Supporting shipper: Longford Fiber, Inc., 1200 Terminal Sales Building, Portland, Oreg. 97205. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 126542 (Sub-No. 1 TA), filed June 22, 1970. Applicant: B. R. WILLIAMS TRUCKING, INC., Post Office Box 3310, Oxford, Ala. 36201. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Equipment, material and supplies,* belonging to Lee Brothers Corp., between its plantsites in Anniston, Ala., and Chattanooga, Tenn., for 150 days. Supporting shipper: Lee Brothers Corp., Post Office Box 1229, Anniston, Ala. 36201. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814 2121 Building, Birmingham, Ala. 35203.

No. MC 128343 (Sub-No. 14 TA), filed June 17, 1970. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, R.I. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, D.C. 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Commodities of unusual value in mixed loads with other general commodities and other general commodities in mixed loads with commodities of unusual value* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment:) (1) from Providence, R.I., to points in California, Connecticut, Georgia, Illinois, New Jersey, New York, Ohio, Michigan, and Texas; and (2) from points in New York, New Jersey, and Connecticut to Providence, R.I. under a continuing contract with Jewelers Shipping Association of Providence, R.I., for 180 days. Supporting shipper: Jewelers Shipping Association, 125 Ernest Street, Providence, R.I. 02905. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133683 (Sub-No. 2 TA), filed June 19, 1970. Applicant: WACHOVIA COURIER CORPORATION, Wachovia Building, Winston-Salem, N.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cash letters, commercial papers, documents and records, bank stationery, sales, payroll and other accounting, audit and data processing media* (except currency, coin, and bullion)

such as are used in the business of banks and banking institutions, between Charlotte, Asheville, Raleigh, Greenville, and Winston-Salem, N.C., on the one hand, and, on the other, Richmond, Va., points in South Carolina, and points in Richmond and Columbia Counties, Ga., under contract with persons, as defined in section 203(a) of the Interstate Commerce Act, who are engaged in the bank and banking institution business, and those in the business of furnishing data processing services, for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, BSR Building, Charlotte, N.C. 28202.

No. MC 134060 (Sub-No. 2 TA), filed June 22, 1970. Applicant: DAVINDER FREIGHTWAYS, LTD., 9341 Trans-Canada Highway, Chemainus, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points of entry on the international boundary line between the United States and Canada located in Washington to Tigard, Oreg. (Limited to shipments originating on Vancouver Island, British Columbia), for 150 days. Supporting shipper: Columbia Hardwood & Molding Co., 12700 Southwest Highway 217 (T), Tigard, Oreg. 97223. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134427 (Sub-No. 1 TA), filed June 22, 1970. Applicant: JOHN T. SISK, 313 South Main Street, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank or hopper-type vehicles, from Culpeper, Va., to points in Maryland, Pennsylvania, North Carolina, West Virginia, Delaware, New Jersey, and the District of Columbia, for 180 days. Supporting shipper: Seaboard Allied Milling Corp., 1550 West 29th Street, Kansas City, Mo. 64108. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenues NW., Washington, D.C. 20423.

No. MC 134629 (Sub-No. 1 TA), filed June 22, 1970. Applicant: P.H.D. TRUCKING SERVICE, INC., 1500 North Main Street, Spanish Fork, Utah 84660. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead-silver concentrates*, from Darwin, Calif., to Tooele, Utah, for 150 days. Supporting shipper: Elliott Exploration Services Ltd., Box 206, Darwin, Calif. 93522 (W. J. Elliott, General Manager, Darwin Mine Division). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 134673 (Sub-No. 1 TA), filed June 19, 1970. Applicant: A. F. C. TRANSPORTATION COMPANY, INC., 4315 Eighth Avenue, Brooklyn, N.Y. 11232. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment in containers, between points in that part of the New York, N.Y., commercial zone as defined by the Commission, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the "exempt zone"). Restriction: Restricted to the transportation of traffic having an immediately prior or subsequent movement by water, for 180 days. Supporting shipper: Texas Transport & Terminal Co., Inc., 25 Broadway, New York, N.Y. 10004. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134706 TA, filed June 17, 1970. Applicant: J. E. DUNCAN, doing business as DUNCAN'S USED CARS, 4103 Trolley Line Road, Aiken, S.C. 29801. Applicant's representative: J. M. Epting, 1518 Washington Street, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars*, from points in Lexington and Darlington Counties, S.C., to points in Virginia, North Carolina, Georgia, Pennsylvania, Tennessee, and Florida, for 180 days. Supporting shippers: Massey-Andrews Plymouth, Inc., 2388 Gulf to Bay, Clearwater, Fla.; Pierce Motor Sales, Inc., 85 West Main Street, North East, Pa.; Towe Chrysler-Plymouth, Inc., Post Office Box 674, Elizabeth City, N.C.; Dobson Motors, Jasper, Ga.; Forrest Cate Ford, Inc., 301 East 20th Street, Chattanooga, Tenn.; Richmond Chrysler-Plymouth, Inc., Richmond, Va. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 134714 TA, filed June 22, 1970. Applicant: TRANSPORTOR'S INC., 419 Dover Center Road, Bay Village, Ohio 44140. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished module units, shelters, and homes*, moving on shipper owned, specially designed trailers, from points in Medina County, Ohio, to Allegheny County Housing Rehabilitation Corp., Pittsburgh, Pa., for 180 days. Supporting shipper: Jal Donn Modular Buildings, 1035 West Smith Road, Medina County, Ohio. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8354; Filed, June 30, 1970; 8:48 a.m.]

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 26, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131), 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 3717 (Sub-No. 7 TA), filed June 23, 1970. Applicant: INTERSTATE REFRIGERATED FOODS, INC., 3540 South Lawrence Street, Philadelphia, Pa. 19148. Applicant's representative: Alfred N. Lowenstein, 1540-47 PSFS Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and meat products*, in vehicles, equipped with mechanical refrigeration, from Philadelphia, Pa., to Bridgeport, Hartford, and New Haven, Conn., for 180 days. Supporting shipper: Penn Packing Company, 2300 East Butler Street, Philadelphia, Pa. 19137. 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 87088 (Sub-No. 9 TA), filed June 23, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 40, Madill,

Okla. 73446. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from St. Joseph, Mo., to points in Ohio, Virginia, Pennsylvania, and New York, for 150 days. Supporting shipper: V. P. Adrian, Supervisor of Transportation, Armour and Co., 111 East Wacker Drive, Chicago, Ill. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla.

No. MC 114290 (Sub-No. 49 TA), filed June 23, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen foods*, when moving in the same vehicle, from Gresham, Portland, Salem, Stayton, Silverton, Springbrook and Weston, Oreg., to points in Nevada, for 180 days. Supporting shipper: North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Portland, Oreg. 97202. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 119934 (Sub-No. 166 TA), filed June 23, 1970. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene*, in packages, from Portland, Ind., to points in Illinois, Kentucky, Michigan, Ohio, Mississippi, Tennessee, Virginia, Alabama, Georgia, South Carolina, Pennsylvania, Wisconsin, Missouri, Iowa, Minnesota, and Arkansas, for 180 days. Supporting shipper: Dukor Plastics of Indiana, Highway 27 North, Portland, Ind. 47371. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 125035 (Sub-No. 21 TA), filed June 23, 1970. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE., North Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, and ice water confections*, from Hamilton, Ohio, to Detroit, Mich., and Pittsburgh, Pa., for 180 days. Supporting shipper. Sealtest Foods, Division of Kraftco Corp., 20545 Center Ridge Road, Rocky River, Ohio 44116. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125844 (Sub-No. 22 TA), filed June 23, 1970. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Placenta and derivatives of placenta, and blood and derivatives of blood*, from points in Kentucky and Indiana to points in Missouri and Michigan, for 180 days. Supporting shipper: Art J. Shulthise, M.D., President, Shul, Inc., 10100 Preston Highway, Louisville, Ky. 40229. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40402.

No. MC 126835 (Sub-No. 23 TA), filed June 23, 1970. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, West Harrison, Ind. (Mailing Address: Rural Route 2, Harrison, Ohio 45030). Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, in mixed loads, with uncrated caskets, from Columbus, Ohio, and Falls City, Nebr., to Everett and Spokane, Wash.; Sacramento, San Francisco, Los Angeles, and Oceanside, Calif.; and Phoenix, Ariz., and *returned shipments of above commodities*, from above destinations to Columbus, Ohio, and Falls City, Nebr., for 180 days. Supporting shipper: The Belmont Casket Manufacturing Co., 330 West Spring Street, Columbus, Ohio 43215. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129625 (Sub-No. 4 TA) (Correction), filed June 9, 1970, published in the FEDERAL REGISTER issue of June 20, 1970, and republished in part corrected, this issue. Applicant: ROBERT J. COLE, doing business as ROBERT COLE TRUCKING, Rural Delivery No. 3, Indiana, Pa. 15701. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. NOTE: The purpose of this partial republication is to show, 150 days in lieu of 180 days. The rest of this application remains as previously published.

No. MC 133574 (Sub-No. 5 TA), filed June 24, 1970. Applicant: TERRILL TRUCKING COMPANY, 1016 Genesco Street, Storm Lake, Iowa 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Omaha, Nebr., and Mason City, Iowa, to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Armour & Co., Fresh Meats Division, 111 East Wacker Drive, Chicago, Ill. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 134622 (Sub-No. 1 TA), filed June 23, 1970. Applicant: SATURN SPECIALTIES COMPANY, INC., 520 North Virginia Avenue, Oklahoma City, Okla. 73106. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Guymon, Okla., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, and District of Columbia, for 150 days. Supporting shipper: Swift Fresh Meats Co., John K. Drake, 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 134633 (Sub-No. 1 TA), filed June 23, 1970. Applicant: MOHAWK INTERNATIONAL, INC., Post Office Box 163, Milford, Utah 84751. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. *Scrap metal*, in bulk, from Sacramento and South San Francisco, Calif., to the plantsite of Shield Development Co., Ltd., near Milford, Utah. 2. *Ore concentrate*, in bulk, from the plantsite of Shield Development Co., Ltd., near Milford, Utah, to McGill, Nev., under a continuing contract with Shield Development Co., Ltd., Milford, Utah, for 180 days. Supporting shipper: The Shield Development Co., Ltd. (Utah Mines Division), Post Office Box 338, Milford, Utah 84715 (Ralf M. Klein, P. Eng., General Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-8355; Filed, June 30, 1970; 8:48 a.m.]

[Notice 553]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 26, 1970.

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–72190. By order of June 24, 1970, the Motor Carrier Board approved the transfer to Robert W. Lister and Robert G. Wood, a partnership, doing business as Central Moving & Storage Co., 3100 West Burleigh Street, Milwaukee, Wis. 53210, of the operating rights in certificate No. MC–82226 issued February 20, 1950, to Harold Koch, doing business as Central Moving & Storage, 1417 South 89th Street, Milwaukee, Wis. 53214, authorizing the transportation of household goods, as defined by the Commission, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Ohio, Michigan, and Minnesota.

No. MC–FC–72154. By order of June 25, 1970, the Motor Carrier Board approved the transfer to Red Arrow Trucking Co., 249 Main Street, Belleville, N.J. 07109, of Certificate No. MC–44523, issued June 13, 1962, to Benjamin Coppola, Sr., and Benjamin Coppola, Jr., a partnership doing business as Red Arrow Trucking Co., 249 Main Street, Belleville, N.J. 07109, authorizing the transportation of: General commodities, except household goods and commodities in bulk, and other exceptions, between points in Essex, Hudson, and Passaic Counties, N.J., and between points in the same counties in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Nassau County, N.Y.; and machinery, window-display material, brushes, magnesium, and insulating material, paper and paper products, and textiles, from and to or between specified points in New Jersey, Pennsylvania, Maryland, Connecticut, and Delaware.

No. MC–FC–72022. By order of June 24, 1970, the Motor Carrier Board approved the transfer to Orval Hall Trucking Co., a corporation, Fort Worth, Tex., of certificate in No. MC–106676 and certificate of registration in No. MC–106676 (Sub-No. 2), issued February 21, 1966, and October 13, 1967, respectively, to A. M. Harper Trucks, Inc., Alice, Tex., authorizing the transportation of a wide variety of specified commodities, from, to, or between points in Texas. Clayte Binton, 1108 Continental Life Building, Fort Worth, Tex. 76102, attorney for applicants.

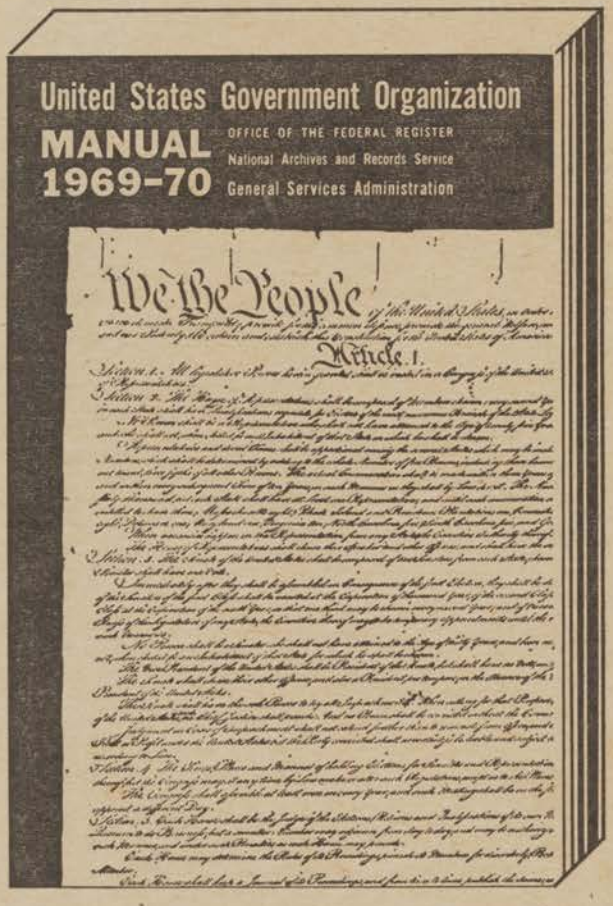
No. MC–72201. By order of June 19, 1970, the Motor Carrier Board approved the transfer to Arnie's Motor Freight, Inc., Altoona, Iowa, of certificate of registration No. MC–99532 (Sub-No. 1) issued August 11, 1964, to Arnold L. Van Haaften, doing business as Arnie's Motor Freight, evidencing a right to engage in transportation in Interstate Commerce as described in certificate No. 130, dated September 15, 1955, issued by the Iowa State Commerce Commission. Russell H. Wilson, 3839 Merle Hay, Des Moines, Iowa 50310, attorney for applicants.

No. MC–FC–72221. By order of June 25, 1970, the Motor Carrier Board approved the transfer to B. J. Kirk Transportation Co., a corporation, 672 Roosevelt Avenue, Pawtucket, R.I. 02860, of certificates Nos. MC–70172, MC–70172 (Sub-No. 1) and MC–70172 (Sub-No. 4) issued to Bernard J. Kirk, 672 Roosevelt Avenue, Pawtucket, R.I. 02860, authorizing the transportation of: Malt, distilled and fermented beverages, empty containers, textile machinery, and related products, between specified points and areas in New Jersey, New York, Rhode Island, and Massachusetts.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–8356; Filed, June 30, 1970; 8:48 a.m.]

United States Government Organization MANUAL 1969–70



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