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Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Interior Department
Internal Revenue Service
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Land Management Bureau
Post Office Department
Securities and Exchange Commission

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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 10]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

SELECTION OF COMMITTEES, TERMS OF OFFICE, AND ELIGIBILITY

NOTE: In F.R. Doc. 65-3005, appearing at page 3809 of the issue for Wednesday, March 24, 1965, § 7.12(b) should be designated as § 7.12(c), and a row of five asterisks should appear immediately above it to indicate the ellipsis of § 7.12 (b).

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

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

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Miscellaneous Amendments

After provision was made for futures trading in livestock, the Chicago Mercantile Exchange requested the Department to officially grade and certify livestock. The following amendments of the Federal Meat Grading Regulations (7 CFR Part 53) would permit the Livestock Division of the Consumer and Marketing Service to perform such service when an applicant requests it.

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of the regulations in Part 53, Title 7, Code of Federal Regulations, are hereby amended in the following respects:

1. The phrase "livestock or" is inserted before the word "products" and before the words "a product" and "the product", wherever such word or words appear in §§ 53.1 (j), (p), (q), (s), (t) (2), (u), (x), 53.2(a), 53.8(c)(1), 53.14, 53.15(a), and 53.17, and after the word "such" in § 53.1(t)(2).

2. The phrase "Director or" is inserted before the word "Chief" wherever such word appears in §§ 53.1(k) and 53.12.

3. The phrase "Director or" is inserted before the word "Chief", and the phrase "livestock or" is inserted before the words "products" and "product", wherever such word or words appear in §§ 53.13 (a)(2) and (b), 53.16 (a) and (c).

4. In § 53.1, paragraphs (n), (t)(1), and (v) are amended, and paragraph (ll) is added, to read as follows:

§ 53.1 Meaning of words.

* * * * *

(n) *Financially interested person.* Any person having a financial interest in the livestock or products involved, including but not limited to the shipper, receiver, producer, seller, buyer, or carrier of the livestock or products.

* * * * *

(t) *Grade.* (1) As a noun, this term means an important commercial subdivision of livestock or a product based on certain definite and preference determining factors, such as, but not limited to, conformation, finish, and quality in meats and livestock.

* * * * *

(v) *Compliance.* Conformity of livestock or a product to the specifications under which the livestock or product was purchased or sold, with particular reference to the weight, quality or other characteristics of livestock, and to the quality, cleanliness, state of refrigeration, method of processing, and trim of products.

* * * * *

(ll) *Livestock.* Bovine, ovine, porcine.

5. Section 53.3 is amended to read as follows:

§ 53.3 Authority.

The Chief is charged with the administration, under the general supervision and direction of the Director, of the regulations and the Act insofar as they relate to products. Administration of the regulations insofar as they relate to livestock is a responsibility of the Director.

6. Section 53.4 is amended to read as follows:

§ 53.4 Kind of service.

Grading service under the regulations shall consist of the determination and certification and other identification, upon request by the applicant, of the class, grade, or other quality of livestock or products under applicable standards in Subpart B of this part. Class, grade, and other quality may be determined under said standards for livestock or meat of cattle, sheep, or swine in carcass form or for wholesale cuts of such meat, other than pork wholesale cuts. Acceptance service under the regulations shall consist of the determination of the conformity of livestock or products to specifications approved by the Director or Chief and the certification and other identification of such livestock or products in accordance with the specifications, upon request by the applicant. Determination as to compliance with specifications for ingredient content or method of preparation may be based upon information received from the inspection system having jurisdiction over the products involved.

7. Section 53.5 is amended to read as follows:

§ 53.5 Availability of service.

Service under the regulations may be made available under a cooperative agreement with respect to livestock or products shipped or received in interstate commerce, and with respect to livestock or products not so shipped or received if the Director or Chief determines that the furnishing of service for such livestock or products would facilitate the marketing, distribution, processing, or utilization of agricultural products through commercial channels. Subject to § 53.6(a)(1)(iv), service will be furnished for products only if they were derived from animals slaughtered in accordance with Federal meat inspection requirements, or at establishments recognized under § 53.7 and operated under some official meat inspection system recognized under § 53.6, and if any processing and fabricating of the products were done in accordance with such requirements or at such establishments. Service under the regulations will be furnished for imported meat only if it is marked in a manner approved by the Chief to show the name of the country of origin on each wholesale cut in such a way that the name of the country of origin appears on most of the major retail cuts. The mark of foreign origin shall be imprinted by roller brand or hand stamp and shall be applied so that the imprint is at least 2 inches from the backbone of lamb, 3 inches from the backbone of veal and calf, and 4 inches from the backbone of beef carcasses. The mark of foreign origin shall be repeated parallel to the backbone of the carcass so as to appear on each round, rump, full loin, rib, and chuck of each bovine and ovine carcass, in letters at least one-fourth of an inch high, but not more than one-half of an inch high, with no more than three-fourths of an inch space between each impression. Imprints of each such brand shall be submitted to the Chief for approval prior to use of the brand on meats offered for Federal grading. It shall be the responsibility of the applicant to notify the meat grader performing the service whenever imported meat is offered for grading.

8. Paragraph (a) of § 53.8 is amended to read as follows:

§ 53.8 How to obtain service.

(a) *Application.* Any person may apply to the Director or Chief for service under the regulations with respect to livestock or products in which the applicant is financially interested. The application shall be made on a form approved by the Director, and if the service is intended to be furnished with respect to products processed or fabricated, or derived from animals slaughtered at a nonfederally inspected establishment in the United States, the application shall also include such other form as is approved by the Director for purposes of determining the eligibility of such establishment for recognition under § 53.7. If such nonfederally inspected establishment is not operated by the applicant for service, the application shall be approved by the operator and he shall thereby be deemed to request recognition for his establishment and to agree to pay for surveys made, in accordance with § 53.29 (e), if the applicant does not pay therefor. In any case in which the service is intended to be furnished at an establishment not operated by the applicant, the application shall be approved by the operator of such establishment and such approval shall constitute an authorization for the entry of the establishment by any employees of the Department for the purpose of performing their functions under the regulations. The application shall state: (1) The name and address of the establishment at which service is desired; (2) the name and post office address of the applicant; (3) the financial interest of the applicant in the livestock or products, except where application is made by an official of a government agency in his official capacity; (4) the signature of the applicant (or the signature and title of his representative); and (5) such other information as may be required by the Director or Chief to determine the eligibility of the applicant for service. The application shall indicate the legal status of the applicant as an individual, partnership, corporation, or other form of legal entity. Any change in such status at any time while service is being received shall be promptly reported to the Director or Chief by the person receiving the service.

* * * * *

9. Subparagraph (1) of § 53.13(a) is amended to read as follows:

§ 53.13 Denial or withdrawal of service.

(a) *For misconduct*—(1) *Bases for denial or withdrawal.* An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person who, or whose employee or agent in the scope of his employment or agency, (i) has wilfully made any misrepresentation or has committed any other fraudulent or deceptive practice in connection with any application or request for service under the regulations; (ii) has given or attempted to give, as a loan or for any other purpose, any money, favor, or other thing of value, to any employee of the Department authorized to perform any function under the regulations; (iii) has interfered with or obstructed, or attempted to interfere with or to obstruct, any employee of the Department in the performance of his duties under the regulations by intimidation, threats, assaults, abuse, or any other improper means; (iv) has knowingly falsely made, issued, altered, forged, or counterfeited any official certificate, memorandum, mark, or other identification, or device for making any such mark or identification; (v) has knowingly uttered, published, or used as true any such falsely made, issued, altered, forged, or counterfeited certificate, memorandum, mark, identification, or device; (vi) has knowingly obtained or retained possession of any such falsely made, issued, altered, forged, or counterfeited certificate, memorandum, mark, identification, or device, or of any such official device, or of any product bearing any such falsely made, issued, altered, forged, or counterfeited mark or identification, or of any carcass or wholesale or retail cut bearing any designation specified in subdivision (vii) of this subparagraph which has not been federally graded or derived from a carcass graded as being of the indicated grade; (vii) has applied the designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," "Cull," "Medium," "No. 1," "No. 2," or "No. 3" by stamp or brand directly on any carcass or wholesale or retail cut of any carcass, as part of a grade designation or otherwise; or (viii) has in any manner not specified in this paragraph violated subsection 203(h) of the Act: *Provided,* That subdivision (vi) of this subparagraph shall not be deemed to be violated if the person in possession of any item mentioned therein notifies the Director or Chief without delay that he has possession of such item and, in the case of an official device, surrenders it to the Chief, and, in the case of any other item, surrenders it to the Director or Chief or destroys it or brings it into compliance with the regulations by obliterating or removing the violative features under supervision of the Director or Chief: *And provided, further,* That subdivisions (ii) through (vii) of this subparagraph shall not be deemed to be violated by any act committed by any person prior to the making of an application for service under the regulations by the principal person to whom service would be denied in any case. An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in subdivisions (i) through (viii) of this subparagraph after such application was made. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be rejected, or the benefits of the serviec may be otherwise denied to, or withdrawn from, such a person (*a*) in case the service is or would be performed at an establishment operated (*1*) by a corporation, partnership, or other person from whom the benefits of the service are currently being withheld under this paragraph, or (*2*) by a corporation, partnership, or other person having an officer, director, partner, or substantial investor from whom the benefits of the service are currently being withheld and who has any authority with respect to the establishment where service is or would be performed, or (*b*) in case the service is or would be performed with respect to any livestock or product in which any corporation, partnership, or other person within (*a*)(*1*) of this subdivision has a contract or other financial interest.

* * * * *

(Sec. 203, 60 Stat. 1087, as amended; sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1622, 1624; 19 F.R. 74, as amended)

Effective date: The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments of the regulations make a voluntary Federal livestock grading service available upon request by interested persons as provided in the regulations. In order to be of maximum benefit to persons desiring to have such service, the amendments should be made effective as soon as possible. Therefore, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are impracticable, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1965.

G. R. GRANGE,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-3305; Filed, Mar. 30, 1965; 8:50 a.m.]

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

[Navel Orange Reg. 78, Amdt. 1]

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

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because 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 of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.377 (Navel Orange Regulation 77, 30 F.R. 3372) are hereby amended to read as follows:

§ 907.377 Navel Orange Regulation 77.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 875,000 cartons;

(ii) District 2: 725,000 cartons.

* * * * *

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

Dated: March 26, 1965.

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

[F.R. Doc. 65-3247; Filed, Mar. 30, 1965; 8:46 a.m.]

[959.305 Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Modification of Container Regulations; Limitation of Shipments

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.), a public hearing was held in McAllen, Tex., on March 23, 1965, pursuant to notice thereof published in the FEDERAL REGISTER (29 F.R. 3662). This hearing afforded all interested persons an opportunity to present oral or written data, views, or arguments on whether the existing container regulation for South Texas onions (29 F.R. 19234) should be amended or modified. In addition to the data and information afforded the Secretary by the record of this hearing, records of the South Texas Onion Committee's considerations at the January 28 and March 9, 1965, meetings, and at previous meetings, as well as other available information, were considered in arriving at the following decision.

The issue relating to modification of regulations for South Texas onions is whether continuance of the existing container regulation (29 F.R. 19234) will better attain the declared policies of the act or, conversely, will shipment of consumer size containers of onions better attain such objectives of improving orderly marketing and increasing growers' returns.

The record of the March 23, 1965, hearing on this subject shows both proponents of continuing the existing container regulation and proponents of modifying it to allow shipment of consumer size packs pursued a common objective—the promotion of orderly marketing and improvement in growers' returns.

Proponents of the current "status quo" asserted shipment of 3-pound or other consumer size South Texas onion packs would increase risks of spoilage in transit, increase adjustments in sales prices which would be reflected in lower grower prices, disrupt present competitive relationships among and between handlers and repackers of South Texas onions, and bring about additional changes in grower, handler, receiver relationships reflecting adversely on grower prices.

Proponents of modification of existing container regulations asserted the shipment of 3-pound and other consumer size packs would recognize current marketing trends towards consumer packaging which are as applicable to South Texas onions as to onions or other commodities so packed in other regions or areas. They also asserted such a modification would be in the interest of market progress; it would improve orderly marketing; it would result in less total packing costs between the growers and retail market; a demand exists for onions so packed within the production area; satisfaction of such demand would increase marketings of South Texas onions and would improve growers' returns.

It was also asserted, with no contention otherwise from those present, that the South Texas Onion Marketing Order (M.O. 959) has during the past four seasons of operation kept poor quality, seeders, etc., off the market, improved the packs, and promoted and protected the market reputation and acceptability of such onions.

Most growers asserted concern, to the extent that consumer size packs may involve greater marketing risks than larger packs, about the effect of adjustments on prices received for their onions. This concern reflects the customary marketing risks borne by South Texas onion growers. Growers and handlers both asserted that, under present marketing practices, the onion grower generally carries the risk for good delivery and not only the going price agreed upon between handler and buyer, but also later adjustments are reflected in the settlement price to the grower. Under such conditions, their concern is quite understandable.

The record of hearing also indicates to an even greater degree that neither South Texas onion growers nor handlers offer evidence of sufficient recent marketing experience or facts upon which to determine specifically the effect of marketing consumer size packs on growers' returns. Although the opinions that witnesses offered are respected as sincere espousals or convictions, the efforts to obtain facts on which projections of probabilities could reasonably be made were not as fruitful as might be desired. Somewhat equally so, assertions of opinions as to possible dire effects of possible modifications or failure to modify, frequently lacked considerably more facts than conviction. However, the record of hearing on the whole reflects broad coverage of the relationship of containers to the marketing structure for South Texas onions. From the record and from other information available to the Secretary, the following facts are found to relate directly to the marketing of South Texas onions.

(1) The South Texas Onion Committee records show that the issue of whether consumer size packs of onions should be authorized has been before it several times. As early as 1961 their marketing policy subcommittee recommended shipment of 3-pound sack pack of 16—3's in master containers. At a full Committee meeting, the Committee, with split vote, limited shipments to the larger 25- and 50-pound containers. Similar container considerations were discussed at Committee meetings during the following seasons, with much the same results. Growers expressed concern that such shipments might mean more costs chargeable to their account at times of settlement. No factual basis was presented at these meetings for reasonable projects of probable effects on grower prices. Any efforts by the Committee or the industry, at that time or at any time since, to ascertain such facts have been to no avail.

(2) Onions in consumer size containers are commonly found in retail outlets throughout most of the marketing area for South Texas onions. South Texas onions are also packed in these consumer size containers by so called repackers operating outside the production area.

(3) Some repackers have located close by but immediately outside the production area. Some claim they might have located within the production area, if consumer size containers had been allowed in previous seasons. South Texas onions are repacked at such points and by other repackers at more distant points. Repackers either close to or farther from the production area buy South Texas onions which meet existing regulations—grade, size, container, etc. This includes the cost of packing such onions within the production area. Repacking involves additional costs.

(4) Some South Texas onions are packed and sold by handlers in the production area in consumer size containers, usually 3 pounds each, for military outlets. These sales meet a demand by the military which, due to the usual buying practices for such purchases, are preferred over those offered by repackers. Other outlets within the production area also use consumer size packs of onions, which possibly may be better supplied by local handlers and, at the same time, to the advantage of local onion growers.

(5) Repackers outside the production area asserted that packing costs of consumer size containers within the production area give shipping point repackers a cost advantage. To the extent that this may be a market fact, competitive market price levels, both f.o.b. and grower prices, offer distinct possibilities that producers' prices may be increased thereby, especially on markets following upward trends.

(6) The need for more specific information of the effect on marketing South Texas onions in consumer size packs has been apparent for some time. The divi-

sion of opinion among Committee members, alternates, and other industry representatives on this issue emphasizes the importance of obtaining sufficient accurate market information, based on actual competitive market conditions, on which future marketing policies may be projected which will best carry out the declared policies of the act.

(7) The handling of consumer size packs of South Texas onions at least for the remainder of the current season, as authorized by the following amended limitation of shipments regulation, is warranted as a means of possibly increasing growers' returns both this season and in future seasons.

Order, as amended. In § 959.305 (29 F.R. 19234) delete paragraph (e) and substitute in lieu thereof a new paragraph (e) as set forth below:

§ 959.305 Limitation of shipments.

* * * * *

(e) *Special purpose shipments and culls*—(1) *Experimental shipments.* Onions may be handled for experimental purposes as follows:

(i) Each handler may handle onions packed in 2-, 3-, or 5-pound consumer size containers, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in the following subparagraph (e)(2) of this paragraph on such shipments: *Provided*, That no handler may handle such experimental shipments in excess of 10 percent of his total weekly shipments of all onions allowed to be marketed under this section.

(ii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(2) *Reporting requirements for experimental shipments.* Each handler who handles such experimental shipments of onions shall file reports thereon to the Committee on a weekly basis, as follows:

(i) Prices received for each such shipment on a f.o.b. basis and prices paid to growers of such onions.

(ii) The number of the inspection certificate showing the grade and size of onions so packed and the size container in which such onions were handled.

(iii) Any adjustments from original sales price agreement for such onions on each shipment, with reasons therefor, and the final net prices paid to the grower of such onions.

(iv) Such other incidental and related information necessary to provide the foregoing data on prices received by growers, as requested by the Committee.

Such reports, in accordance with § 959.80, shall be furnished to the Committee in such manner or form and in such time as it may prescribe, and subject to the further requirements of such section.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

* * * * *

It is hereby found that it is unnecessary and contrary to the public interest to postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) 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, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth herein, on and after the effective date of this amendment, and (3) this amendment relieves restrictions on handling of onions in the production area by authorizing the use of additional containers.

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

Done at Washington, D.C., this 26th day of March 1965, to become effective March 29, 1965.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-3306; Filed, Mar. 30, 1965; 8:50 a.m.]

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

MILK IN CERTAIN MARKETING AREAS

Determination of Equivalent Prices for Use in Computing Prices for Class I Milk

Part
1031 Northwestern Indiana.
1032 Suburban St. Louis.
1038 Rock River Valley.
1039 Milwaukee, Wis.
1051 Madison, Wis.
1062 St. Louis, Mo.
1063 Quad Cities-Dubuque.
1070 Cedar Rapids-Iowa City.
1078 North Central Iowa.
1079 Des Moines, Iowa.

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

(1) Inasmuch as an order terminating the Chicago, Ill., milk order effective midnight, March 31, 1965, has been issued, and the Class I prices of the aforesaid orders are based in part upon a price available only under the Chicago order, the determination of an equivalent for such Chicago price is necessary to compute Class I prices under the aforesaid orders.

(2) The price which is not available in the absence of the Chicago milk order is a supply-demand adjustor used in computing the Class I price under that order. That adjustor is limited under the Chicago order to a maximum of 24 cents. The applicable adjustment has been the maximum—minus 24 cents—in each month for more than four years beginning with September 1960. The adjustor in recent months would have been greatly in excess of the minus 24 cents without the limit. The March 1965 adjustor as computed prior to the limit was minus 40 cents. Thus the appropriate equivalent price which is to be determined is "minus 24 cents". This is the price which, if the Chicago order remained in effect, would be used in the computation of Class I prices under the Northwestern Indiana, Suburban St. Louis, Rock River Valley, Milwaukee, Madison, St. Louis, Quad Cities-Dubuque, Cedar Rapids-Iowa City, and North Central Iowa orders.

The Des Moines order provides that the effect of the price factor based on the Chicago supply-demand adjustor shall be limited to 10 cents. Hence, the price adjustor applicable to the Des Moines Class I price during this four-year period has been minus ten cents and this is the appropriate equivalent price for use in this market.

(3) The prices hereby determined to be equivalent to the prices no longer available, are "minus 24 cents" in the application of §§ 1031.51, 1032.51, 1038.51, 1039.51, 1051.51, 1062.51, 1063.50(b), 1070.50(b), and 1078.50(b) of the aforesaid orders, and "minus 10 cents" in the application of § 1079.50(b) of the Des Moines order.

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

(a) This determination of an equivalent price is necessary to make possible the announcement of the Class I milk price for each of the aforesaid orders for the month of April 1965 and for each consecutive month thereafter until the orders are amended to provide otherwise for a Class I milk price.

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

(c) Interested parties were afforded opportunity to file written data, views or arguments concerning this determination (30 F.R. 3224). Views were requested with respect to this determination as it affects Part 1067 (milk in the Ozarks marketing area). No determination is necessary with respect to Part 1067 since the Class I price under that part is determined by Part 1062 (milk in the St. Louis, Mo., marketing area).

Several interested persons filed views, data and arguments with respect to the announced proposal to determine an equivalent price for use in computing Class I prices under the aforesaid orders. Views filed relevant to the determination of an equivalent price supported the findings made herein. Several persons filed views and arguments that this determination should be used to either increase or decrease Class I prices under one or more of the aforesaid orders. But the authority to determine an equivalent price is limited to the ascertainment of a price equal to that which would have prevailed had the discontinued factor been available. Therefore, the views supporting the revision of the levels of Class I prices established by the provisions of the respective orders are irrelevant to this determination.

Therefore, good cause exists for making this determination effective April 1, 1965.

Signed at Washington, D.C., on March 26, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-3235; Filed, Mar. 30, 1965; 8:45 a.m.]

[Milk Order No. 61]

PART 1061—MILK IN THE ST. JOSEPH, MO., MARKETING AREA

Order Amending Order

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AUTHORITY: The provisions of this Part 1061 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1061.0 Findings and determinations.

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

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

(1) The said order as hereby amended, and all of the terms and provisions 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 April 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 17, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 23, 1965. 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 April 1, 1965, 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. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(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 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 St. Joseph, Mo., marketing area shall be in conformity to and in compliance with the terms and provisions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

§ 1061.1 Act.

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

§ 1061.2 Secretary.

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

§ 1061.3 Department.

"Department" means the United States Department of Agriculture.

§ 1061.4 Person.

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

§ 1061.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers as defined in § 1061.7, which the Secretary determines:

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

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 1061.6 St. Joseph, Missouri, marketing area.

"St. Joseph, Missouri, marketing area" hereinafter called "marketing area" means all the territory included within the perimetric boundaries of Doniphan, Brown, and Nemaha counties, Kansas; Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, and Worth counties, Missouri; and those portions of Platte and Clay counties, Missouri, not included in the marketing area of the Greater Kansas City milk order (Part 1064 of this chapter).

§ 1061.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, or a person who is a producer on the same milk under the terms of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1061.14.

§ 1061.8 Handler.

"Handler" means:

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

(b) Any cooperative association with respect to producers' milk diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler for the milk. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating that plant;

(d) Any person who operates a partially regulated distributing plant; and

(e) A producer-handler, any person who operates a supply plant which is not a pool plant, or any person who operates another order plant described in § 1061.62.

§ 1061.9 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions is met during the month:

(a) The butterfat or skim milk received in the form of fluid milk products at the plant does not exceed the butterfat or skim milk, respectively, received from the dairy farm(s) of such person and from pool plants of other handlers; and

(b) Such person provides proof that:

(1) The maintenance, care and management of the dairy animals and other resources used to produce milk on his farm(s) are the personal enterprise of and at the personal risk of such person; and

(2) The operation of the processing and packaging facilities are the personal enterprise of and at the personal risk of such person.

§ 1061.10 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed and packaged and from which approved milk is disposed of during the month as fluid milk products in the marketing area on routes.

§ 1061.11 Supply plant.

"Supply plant" means a plant at which approved milk is received from farms and is shipped to and received at a distributing plant which is a pool plant.

§ 1061.12 Pool plant.

"Pool plant" means a distributing plant or supply plant except the plant of a producer-handler or a plant exempt pursuant to § 1061.62 which meets the conditions set forth in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month or during the immediately preceding month there is disposed of:

(1) As Class I milk in the marketing area on routes not less than 15 percent of such plants total sales of packaged Class I milk; and

(2) As Class I milk not less than the applicable percentage of such plants receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1061.8(c):

(i) September through December, 50 percent;

(ii) January, February, July and August, 35 percent;

(iii) March through June, 25 percent.

(b) A supply plant from which during the month not less than 50 percent of its receipts of approved milk from dairy farmers and from cooperative associations of producers in their capacity as handlers pursuant to § 1061.8(c) is shipped to and received at distributing pool plants: *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages in this paragraph during each of the months of September through December (in 1961 during each month from the effective date through December) shall be pooled for each of the following months of January through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plan on the basis of shipments.

§ 1061.13 Nonpool plant.

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

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

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (inclding 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 derived from approved milk are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products derived from approved milk are moved during the month to a pool plant qualified pursuant to § 1061.12 and which is not an other order plant nor a producer-handler plant.

§ 1061.14 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) and diverted pursuant to paragraph (c) as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 1061.8(c) or diverted by the pool plant operator pursuant to paragraph (c) of this section;

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 1061.8(c) or diverted for its account pursuant to paragraph (c) of this section; and

(c) Milk diverted to a pool or nonpool plant shall be considered as received at the plant from which it was diverted for pooling and pricing purposes. During the months of September through December, producer milk shall not include that portion of the milk of a producer which is diverted in excess of 16 days' production.

§ 1061.15 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a duly constituted health authority for distribution as Grade A milk.

§ 1061.16 Other source milk.

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

(a) Receipts during the month of fluid milk products except: (1) Fluid milk products received from pool plants and from cooperative associations in their capacity as handlers pursuant to § 1061.8(c), (2) producer milk, and (3) opening inventory; and

(b) Products (other than fluid milk products, cottage cheese and cottage cheese curd) from any source (including those produced at the plant) that are reprocessed, converted into or combined with another product in the plant during the month, and any disappearance of products other than fluid milk products not otherwise accounted for.

§ 1061.17 Fluid milk product.

"Fluid milk product" means any milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk or skim milk, yogurt, cream (sweet or sour) disposed of as such, and any mixture of milk, skim milk or cream; except sterilized products in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mix, aerated cream, and cultured sour mixtures disposed of as other than sour cream.

§ 1061.18 Route.

"Route" means any delivery (including delivery through a vendor and sales from a plant or plant store) of a fluid milk product other than a delivery to a pool or a nonpool plant.

MARKET ADMINISTRATOR

§ 1061.20 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 by the Secertary.

§ 1061.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1061.22 Duties.

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

(a) Within 45 days following the date 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 funds provided by § 1061.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1061.85) necessary and 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 the Secretary may request;

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

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1061.30 through 1061.33;

(2) Maintained adequate records and facilities pursuant to § 1061.34; or

(3) Made payments pursuant to §§ 1061.80 through 1061.86.

(i) On or before the 14th day after the end of each month report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that receipts of all producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 1061.51(a) and the Class I butterfat differential pursuant to § 1061.52(a), both for the current month; and on or before the 5th day of each month, the minimum prices for Class II milk pursuant to § 1061.51(b) and Class III milk pursuant to § 1061.51(c) and the Class II butterfat differential pursuant to § 1061.52(b) and the Class III butterfat differential pursuant to § 1061.52(c), all for the month immediately preceding; and

(2) On or before the 12th day of each month, the applicable uniform price(s) computed pursuant to § 1061.71 and the producer butterfat differential computed pursuant to § 1061.72 both applicable to milk delivered during the previous month;

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

(l) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), the market administrator shall estimate and publicly announce the combined utilization (to the nearest whole percentage) in Class II and Class III during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

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

(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

§ 1061.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler for each of his pool plants and each cooperative association which is a handler pursuant to § 1061.8 (b) or (c), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

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

(1) Receipts for his account of producer milk from each producer, the average butterfat test, the pounds of butterfat contained therein and the number of days milk was received from such producer;

(2) Fluid milk products received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1061.8(c);

(3) Other source milk;

(4) Inventories on hand at the beginning of the month.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section and inventories of fluid milk products on hand at the end of the month;

(c) The disposition of fluid milk products in the marketing area on routes;

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

(e) Each handler specified in § 1061.8(d) who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (d) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers.

§ 1061.31 Payroll reports.

(a) On or before the 23d day of each month; each handler except a producer-handler or a handler making payments pursuant to § 1061.61 shall submit to the market administrator in the detail and on forms approved by the market administrator his producer payroll for the preceding month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer;

(3) The net amount of payment to each producer; and

(4) The nature and amount of any deductions or charged items involved in such payments.

(b) Each handler making payments pursuant to § 1061.61(a) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 1061.32 Other reports.

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 causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 1061.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 1061.80(b) shall report on or before the 7th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

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

(c) The amount of any payments due such producer pursuant to § 1061.84.

§ 1061.34 Records and facilities.

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

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

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

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 1061.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three 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 specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1061.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to §§ 1061.30 through 1061.32 shall be classified by the market administrator pursuant to the provisions of §§ 1061.41 through 1061.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such products shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1061.41 Classes of utilization.

Subject to the conditions set forth in §§ 1061.43 and 1061.44, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c)(2), (3) and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd except cottage cheese and cottage cheese curd disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator: *Provided*, That Class II classification shall not include the weight of water associated with nonfat milk solids (as computed pursuant to § 1061.40) used to fortify fluid milk products used to produce or added to cottage cheese or cottage cheese curd.

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

(1) Used to produce:

(i) Any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; and

(ii) Cottage cheese and cottage cheese curd which is disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator;

(2) Disposed of and used for starter churning; delivered in bulk to and used at commercial food establishments in the manufacture of processed foods for consumption off the premises, bakery products or candy; or disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) In the weight of fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1) of this section or as Class II pursuant to paragraph (b) of this section;

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

(6) In actual shrinkage allocated pursuant to § 1061.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1061.8(c), if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1061.8(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; 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 or Class III utilization was requested by the operators of both plants; 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 or Class III utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk to other plants; and less

(vii) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1061.8(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; and

(7) In shrinkage allocated to other source milk pursuant to § 1061.42(b)(2).

§ 1061.42 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:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1061.41(c)(6) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products, exclusive of that specified in § 1061.41(c)(6).

§ 1061.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise.

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

§ 1061.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants or by the handler pursuant to § 1061.8(c) and the plant operator, otherwise as Class I milk, if transferred or diverted from a pool plant or from a handler pursuant to § 1061.8(c) to the pool plant of another handler, except as provided in paragraph (d) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned in any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1061.46(a)(3) and the corresponding step of § 1061.46(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 § 1061.46(a)(7) or (8) and the corresponding steps of § 1061.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

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

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

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1061.30 for the month within which such transaction occurred;

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

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

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

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

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

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

(d) If a specified utilization is not claimed by both handlers, subject to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1061.8(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1061.46(a)(9) and the corresponding step of (b); and

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

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

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

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

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

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and milk allocated to the other class shall be classified as Class III; 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 § 1061.41.

§ 1061.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1061.46 Allocation of skim milk and butterfat classified.

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

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

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk classified as Class III pursuant to § 1061.41(c)(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 as follows:

(i) From Class III milk, the lesser of the pounds remaining or two 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 III milk, the pounds of skim milk in each of the following:

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

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

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

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

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

(*a*) For which the handler requests Class II or Class III in series beginning with the requested class; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1061.8(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III was requested by the operators of both plants in series beginning with the requested class;

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

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

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

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

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1061.22(1) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization 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 other handlers according to the classification assigned pursuant to § 1061.44(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 § 1061.44(d); and

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

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

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

MINIMUM PRICES

§ 1061.50 Basic formula price.

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

§ 1061.51 Class prices.

Subject to the provisions of §§ 1061.52 and 1061.53, the minimum class prices per hunndredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk*. The price for Class I milk shall be 10 cents less than the Greater Kansas City Federal milk order (Part 1064 of this chapter) Class I price for the same month;

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

(c) *Class III milk*. The Class III milk price shall be the higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 24 cents.

Present Operator and Location

Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.; or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

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

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 69 cents.

§ 1061.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to each class pursuant to § 1061.46(c) is more or less than 3.5 percent, there shall be added to the respective class price computed pursuant to § 1061.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 1061.50 by 1.2, divide the result by 10, and round to the nearest one-tenth cent.

(b) For Class II milk, multiply the butter price specified in § 1061.50 by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

(c) For Class III milk, multiply the butter price specified in § 1061.50 by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

§ 1061.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 50 miles by shortest highway distance as measured by the market administrator, from the nearer of the City Halls in St. Joseph, Missouri, and Sabetha, Kansas, and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1061.51(a) shall be reduced by 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) For purposes of calculating such adjustment, bulk transfers between pool plants shall be assigned to the Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1061.8(c), 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.

§ 1061.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1061.60 Producer-handlers.

Sections 1061.40 through 1061.46, 1061.50 through 1061.53, 1061.61, 1061.70, 1061.71, 1061.80 through 1061.87 shall not apply to a producer-handler.

§ 1061.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1061.30(e) and 1061.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1061.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1061.70(e) and a credit in the amount specified in § 1061.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1061.30(e) and 1061.31(b) 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 § 1061.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

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

(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; and

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

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

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

§ 1061.62 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1061.12(a) which disposes of a lesser volume of Class I milk in the St. Joseph, Missouri, marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 1061.12(b) for any portion of the period January through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

DETERMINATION OF UNIFORM PRICE

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

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

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1061.46(c), by the applicable class prices (adjusted pursuant to §§ 1061.52 and 1061.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to §1061.46(a)(11) and the corresponding step of § 1061.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III price for the preceding month and:

(1) The Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(5) and the corresponding step of § 1061.46(b); and

(2) The Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1061.46(a)(5) and the corresponding step of § 1061.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1061.46(a)(3) and the corresponding step of § 1061.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(7) and the corresponding step of § 1061.46(b).

§ 1061.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed the reports prescribed by § 1061.30 for the month and who made the payments pursuant to §§ 1061.80 and 1061.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1061.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1061.72 and multiplying the result by the total hundredweight of such milk;

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

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

(1) The total hundredweight of producer milk; and

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

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1061.72 Butterfat differential to producers.

In making payments pursuant to § 1061.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1061.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1061.73 Location differentials to producers and on nonpool milk.

(a) In making payments to producers for milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, there shall be deducted 10 cents per hundredweight of milk for distances of more than 50 but not more than 60 miles, plus an additional one and one-half cents for each additional 10 miles or fraction thereof in excess of 60 miles.

(b) For purposes of computations pursuant to §§ 1061.82 and 1061.83 the uniform price shall be adjusted at the rates set forth in § 1061.53 applicable at the location of the nonpool plant from which the milk was received.

PAYMENTS

§ 1061.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, an amount equal to not less than the appropriate uniform price pursuant to § 1061.71, adjusted by the butterfat and location differentials to producers pursuant to §§ 1061.72 and 1061.73 subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1061.85; and

(2) Less proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1061.83, 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 13th day after the end of the month to each cooperative association which has filed a written request for such payment with such handler with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, 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 any deductions authorized in writing by such cooperative association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 1061.8(c), not less than the value of such milk at applicable class prices; and

(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 the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producers;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1061.70, 1061.71, and 1061.72;

(4) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (a) of this section, and § 1061.85, together with a description of the respective deductions; and

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

§ 1061.81 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 §§ 1061.61 (a) and (b), 1061.82 and 1061.84, and out of which he shall make all payments pursuant to §§ 1061.83 and 1061.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1061.82 Payments to the producer-settlement fund.

On or before the 14th 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 § 1061.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1061.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which a value is computed pursuant to § 1061.70(e).

§ 1061.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1061.82(b) exceeds the amount computed pursuant to § 1061.82(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 payment and shall compute such payments as soon as the necessary funds are available.

§ 1061.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date of making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 1061.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1061.80(a) shall deduct 5 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 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers;

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1061.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deductions and the quantity of milk for which it was computed for each such producer.

§ 1061.86 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 12th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk received by a pool plant operator (including such handler's own production), (b) milk received from a cooperative association as a handler pursuant to § 1061.8(c), (c) producer milk of a cooperative association handler pursuant to § 1061.8 (b) and (c) except that transferred or diverted to a pool plant operator, (d) other source milk allocated to Class I pursuant to § 1061.46(a) (3) and (7) and the corresponding steps of § 1061.46 (b), and (e) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants.

§ 1061.87 Termination of obligation.

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

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

(1) The amount of the obligation;

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

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

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-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 two-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 order 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 two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two 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 608c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1061.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1061.91.

§ 1061.91 **Suspension or termination.**

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

§ 1061.92 **Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1061.93 **Liquidation.**

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

§ 1061.94 **Agents.**

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

§ 1061.95 **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. April 1, 1965.

Signed at Washington, D.C., on March 25, 1965.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 65-3228; Filed, Mar. 30, 1965; 8:45 a.m.]

[Milk Order No. 64]

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

Order Amending Order

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AUTHORITY: The provisions of this Part 1064 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1064.0 **Findings and determinations.**

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

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

(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;

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1064.46(a) (3) and (7) and the corresponding steps of § 1064.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant except by a handler exempt pursuant to § 1064.60 on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1965. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 17, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 23, 1965. 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 April 1, 1965, 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. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(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 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 Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and provisions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

§ 1064.1 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.).

§ 1064.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 1064.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1064.4 Person.

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

§ 1064.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers as defined in § 1064.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 1064.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area" hereinafter called the "marketing area" means all the territory within the boundaries of the places listed below, including territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions or other similar establishments:

MISSOURI COUNTIES

Bates.	Johnson.
Cass.	Lafayette.
Henry.	Pettis.
Jackson.	St. Clair.

and that portion (excluding Platte City) of Platte and Clay Counties south of a line extending eastwardly from the Missouri River along State Highway 92 to U.S. Highway 69, thence north to the north section line of section 26 in Washington Township in Clay County, thence east along the north section lines of sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties.

KANSAS COUNTIES

Douglas.	Miami.
Geary.	Morris.
Johnson.	Riley.
Leavenworth.	Shawnee.
Lyon.	Wyandotte.

§ 1064.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act who:

(a) Produces milk acceptable to U.S. Government agencies for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area; or

(b) Produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which:

(1) Is received at a pool plant; or

(2) Is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association; or

(3) Milk diverted pursuant to subparagraph (2) of this paragraph shall be considered as having been received at the plant from which it is diverted unless it is diverted to a nonpool plant located more than 125 miles by the shortest highway distance as determined by the market administrator from the nearer of the City Halls in Kansas City, Missouri, or Topeka, Kansas, in which case it shall be considered as having been received at the nonpool plant location in applying §§ 1064.53 and 1064.81.

§ 1064.8 Route.

"Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 1064.9 Approved plant.

"Approved plant" means any milk plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the U.S. Government located within the marketing area.

§ 1064.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-handler or a plant exempt pursuant to § 1064.62:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 15 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 1064.7) including receipts from a cooperative association in its capacity as a handler pursuant to § 1064.11(c) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of as Class I milk an amount not less than the applicable percentage of such receipts, as follows:

(i) March through June, 35 percent;

(ii) July through February, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes, is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 1064.11 Handler.

"Handler" means:

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

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

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler or to the plant of a producer-handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.);

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member-producers which is delivered in cans to the pool plants of two or more handlers in a single delivery period (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered);

(e) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(f) A producer-handler, or any person who operates an other order plant described in § 1064.62.

§ 1064.12 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person or from a cooperative association pursuant to § 1064.11(c) but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers or from a cooperative association pursuant to § 1064.11(c); and

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

§ 1064.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers; (b) received by a cooperative association in its capacity as a handler pursuant to § 1064.11 (c) or (d); or (c) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1064.7.

§ 1064.14 Other source milk.

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

(a) Receipts during the delivery period of fluid milk products except:

(1) Fluid milk products received from other pool plants and from handlers pursuant to § 1064.11 (c) and (d);

(2) Sterilized cream received and disposed of in the same hermetically sealed container; or

(3) Producer milk; and

(b) Products (other than fluid milk products, cottage cheese and cottage cheese curd) from any source (including those produced at the plant) that are reprocessed, converted into or combined with another product in the plant during the month, and any disappearance of products other than fluid milk products not otherwise accounted for.

§ 1064.15 Delivery period.

"Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 1064.16 Base milk.

"Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 1064.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 1064.65.

§ 1064.17 Excess milk.

"Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 1064.65.

§ 1064.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 1064.19 Nonpool plant.

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

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

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

(c) "Partially regulated distributing plant" means a nonpool approved 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 approved plant from which milk is shipped during the month to a pool plant qualified pursuant to § 1064.10 and which is not an other order plant nor a producer-handler plant.

MARKET ADMINISTRATOR

§ 1064.20 Designation.

The agency for the administration hereof 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.

§ 1064.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1064.22 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 funds provided by § 1064.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1064.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, 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 the Secretary may request;

(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, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1064.30 through 1064.32,

(2) Maintained adequate records and facilities pursuant to § 1064.33, or

(3) Made payments pursuant to §§ 1064.80 through 1064.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from such cooperative association in its capacity as a handler pursuant to § 1064.11 (c) or (d) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after the allocation pursuant to § 1064.46 (a) (1) through (8) and the corresponding steps of § 1064.46(b);

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 1064.51(a) and the Class I butterfat differential pursuant to § 1064.52(a), both for the current delivery period; and on or before the 5th day of each month the minimum prices for Class II milk pursuant to § 1064.51(b) and Class III milk pursuant to § 1064.51 (c) and the Class II butterfat differential pursuant to § 1064.52(b) and the Class III butterfat differential pursuant to § 1064.52(c), all for the delivery period immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential computed pursuant to § 1064.82, both applicable to milk delivered during the previous delivery period;

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

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 1064.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk;

(m) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1064.46(a)(8) and the corresponding step of § 1064.46 (b), the market administrator shall estimate and publicly announce the combined utilization (to the nearest whole percentage) in Class II and Class III 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 § 1064.46 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

§ 1064.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

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

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

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

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period; and

(h) Each handler specified in § 1064.11 (b) who operates a partially regulated distributing plant shall report as required in this section, with receipts in Grade A milk reported in lieu of those in producer milk, except that quantities of base milk and excess milk need not be reported; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1064.31 **Payroll reports.**

On or before the 23d day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 1064.61(b) shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1064.61(a) his payroll for dairy farmers delivering Grade A milk, except that quantities of base milk and excess milk need not be reported) for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of base milk and excess milk,

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

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

§ 1064.32 **Other reports.**

(a) Each producer-handler and each handler making payments pursuant to § 1064.61(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 1064.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23d day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (base milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

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

(iii) The amount of any payments due such producer pursuant to § 1064.86.

§ 1064.33 **Records and facilities.**

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

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

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

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 1064.34 **Retention of records.**

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three 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 specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1064.40 **Skim milk and butterfat to be classified.**

(a) All skim milk and butterfat received within the delivery period by a handler that is required to be reported pursuant to § 1064.30 shall be classified by the market administrator pursuant to the provisions of §§ 1064.41 through 1064.46; and

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

§ 1064.41 **Classes of utilization.**

Subject to the conditions set forth in §§ 1064.43 and 1064.44, the classes of utilization shall be as follows:

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

(1) Disposed of in the form of a fluid milk product except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3), (4) and (5) of this section;

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(iii) Sterilized cream disposed of in the same hermetically sealed container in which received; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd except cottage cheese and cottage cheese curd disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator: *Provided*, That Class II classification shall not include the weight of water associated with nonfat milk solids (as computed pursuant to § 1064.40) used to fortify fluid milk products used to produce or added to cottage cheese or cottage cheese curd.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce:

(i) Any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; and

(ii) Cottage cheese and cottage cheese curd which is disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator;

(2) Skim milk and butterfat used for starter churning, wholesale baking and candy making purposes;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed;

(4) Skim milk and butterfat dumped after prior notification to and opportunity for verification by the market administrator;

(5) In the weight of fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1) of this section or as Class II pursuant to paragraph (b) of this section;

(6) Skim milk and butterfat in inventory of fluid milk products at the end of the month;

(7) Skim milk and butterfat, respectively, in actual shrinkage allocated pursuant to § 1064.42(b)(1) but not in excess of:

(i) Two percent of milk received from producers, including that received by a handler pursuant to § 1064.11 (c) or (d) but not including producer milk diverted in cans to a nonpool plant pursuant to § 1064.7;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of milk received from a handler pursuant to § 1064.11(c) except that if the handler operating the pool plant files notice with the market administrator that the purchase of such milk is on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2.0 percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants, exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of milk received in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of milk in bulk tank lots disposed of from pool plants to other plants; and

(vii) Less 1.5 percent of milk disposed of by a handler pursuant to § 1064.11(c) unless the exception in subdivision (iii) of this subparagraph applies and then the applicable percentage shall be 2.0 percent; and

(8) Skim milk and butterfat in shrinkage allocated pursuant to § 1064.42 (b)(2).

§ 1064.42 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 receipts of skim milk and butterfat in:

(1) The net quantity of producer milk and other milk specified in § 1064.41(c) (7); and

(2) Other source milk exclusive of that specified in § 1064.41(c)(7).

§ 1064.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

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

§ 1064.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred or by the handler pursuant to § 1064.11 (c) and (d) and the plant operator, otherwise as Class I milk, if transferred to the pool plant of another handler subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1064.46(a)(8) and the corresponding step of § 1064.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1064.46(a)(3), and the corresponding step of § 1064.46 (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 § 1064.46(a) (7) or (8) and the corresponding steps of § 1064.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

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

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Missouri, or Topeka, Kansas, except that cream so transferred may be classified as Class III, subject to such verification of alternate utilization as the market administrator may make, if notice is given to the market administrator prior to shipment and each container is labeled or tagged with a certificate by the transferor that such cream is sold as Grade C cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Missouri, or Topeka, Kansas; unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted pursuant to § 1064.30 for the month within which such transaction occurred;

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

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

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

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

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

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

(v) If any skim milk or butterfat is transferred or diverted to a second nonpool plant under this paragraph the same conditions of audit, classification and allocation shall apply; and

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

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization

filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

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

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

(6) If the form in which any fluid milk product transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with § 1064.41.

§ 1064.45 Computation of skim milk and butterfat in each class.

For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, 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 in Class III, the pounds of skim milk classified as Class III pursuant to § 1064.41(c)(7);

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

(i) From Class III milk, the lesser of the pounds remaining or two 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 III milk, the pounds of skim milk in each of the following:

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

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

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

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

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

(*a*) For which the handler requests Class II or Class III in series beginning with the requested class; or

(*b*) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from handlers pursuant to § 1064.11 (c) and (d), and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III was requested by the operators of both plants in series beginning with the requested class;

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

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

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

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

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1064.22(m) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization 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 other handlers according to the classification assigned pursuant to § 1064.44(a);

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. 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

§ 1064.50 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 United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1064.51 Class prices.

Subject to the provisions of §§ 1064.52 and 1064.53, and rounded to the nearest cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding delivery period plus $1.10 during each of the delivery periods of April, May, June, and July, and plus $1.40 during all other delivery periods; plus 10 cents from the effective date of this amended order through February 28, 1965; and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the amount computed pursuant to subdivision (i) of this subparagraph by the amount computed pursuant to subdivision (ii), multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(i) Add to the total receipts of producer milk in the second and third months preceding the total receipts of producer milk reported for the same months by handlers regulated under the St. Joseph, Missouri Federal milk order.

(ii) Add to the total gross volume of Class I milk at pool plants in the second and third months preceding the total gross volume of Class I milk during the same period at pool plants under the St. Joseph, Missouri Federal milk order. Interhandler transfers which duplicate Class I sales are excluded from the total gross volume in each market and for the two markets.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October-November	132	140
February	November-December	133	141
March	December-January	131	139
April	January-February	126	134
May	February-March	124	132
June	March-April	128	136
July	April-May	138	146
August	May-June	143	151
September	June-July	134	142
October	July-August	128	136
November	August-September	124	132
December	September-October	124	132

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(iv) *Less* one-half cent, if necessary, to round down to the nearest whole cent.

(b) *Class II milk.* The basic formula price for the delivery period.

(c) *Class III milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 19 cents:

Present Operator and Location

Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift & Co., Parsons, Kans.

or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

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

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 74 cents.

§ 1064.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to each class pursuant to § 1064.46(c) is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 1064.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 1064.50 by 1.2, divide the result by 10, and round to the nearest one-tenth of a cent.

(b) For Class II milk, multiply the butter price specified in § 1064.50 by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

(c) For Class III milk, multiply the butter price specified in § 1064.50 by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 1064.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located outside Pettis County, Mo., and more than 50 miles but not more than 70 miles by shortest highway distance as measured by the market administrator, from the nearest of the City Halls in Kansas City, Mo., and Lawrence, Topeka, Manhattan, Council Grove, and Emporia, Kans., which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which location adjustments are applicable, the price computed pursuant to § 1064.51(a) shall be reduced by 10 cents, and by an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 70 miles from such City Hall.

(b) For purposes of calculating such adjustment, bulk transfers between pool plants shall be assigned to the Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1064.11 (c) and (d), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1064.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1064.60 Exempt handlers.

Sections 1064.40 through 1064.45, 1064.50 through 1064.53, 1064.61, 1064.70, 1064.71, and 1064.80 through 1064.88 shall not apply to a producer-handler or to a handler operating a plant from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except a handler exempt pursuant to § 1064.60 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 §§ 1064.30(h) and 1064.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1064.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1064.70(e) and a credit in the amount specified in § 1064.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1064.30(h) and 1064.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1064.10(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 as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

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

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

§ 1064.62 **Milk subject to other orders.**

Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF BASE

§ 1064.65 **Computation of daily base for each producer.**

The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding.

§ 1064.66 **Daily base rules.**

(a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 1064.70 **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 § 1064.46(c), by the applicable class prices (adjusted pursuant to §§ 1064.52 and 1064.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1064.46(a)(10) and the corresponding step of § 1064.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III price for the preceding month and:

(1) The Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a)(5) and the corresponding step of § 1064.46(b); and

(2) The Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1064.46(a)(5) and the corresponding step of § 1064.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1064.46(a)(3) and the corresponding step of § 1064.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a)(7) and the corresponding step of § 1064.46(b).

§ 1064.71 **Computation of uniform prices.**

For each month the market administrator shall compute the "uniform price" per hundredweight of milk received from producers (or "weighted average price") as follows:

(a) Combine into one total the values computed pursuant to § 1064.70 for all handlers who filed the reports prescribed by § 1064.30 for the month and who made the payments pursuant to §§ 1064.80 and 1064.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1064.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1064.82 and multiplying the result by the total hundredweight of such milk;

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

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

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1064.70(e);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and for the months August through January shall be the "uniform price" for milk received from producers.

§ 1064.72 **Computation of uniform prices for base milk and excess milk.**

For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Subtract from the amount resulting from the computations made pursuant to paragraphs (a) through (d) of

§ 1064.71 an amount computed by multiplying the hundredweight of milk specified in paragraph (e) (2) of § 1064.71 by the weighted average price;

(b) Compute the total value of excess milk by multiplying the hundredweight of such milk in series beginning with Class III to the extent such utilization is available, but not in excess of the total quantity of Class II and Class III milk included in these computations by the respective prices for Class II and Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of milk obtained in paragraph (a) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content received from producers at pool plants, f.o.b. marketing area.

PAYMENTS

§ 1064.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.72, adjusted by the butterfat differential computed pursuant to § 1064.82, subject to the location adjustment to producers pursuant to § 1064.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 1064.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1064.85 he may reduce his total payment to all producers uniformly by not less 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 25th day of each delivery period to each producer (1) from 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 delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class III price for 3.5 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written 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 or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period 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) To a cooperative association with respect to milk for which such association is acting in the capacity of a handler pursuant to § 1064.11 (c) and/or (d):

(1) On or before the 20th day of the delivery period an amount equal to the rate specified in paragraph (b) times the volume received during the first 15 days of the delivery period; and

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the value of such milk as classified pursuant to § 1064.44(a) at the applicable respective class price(s) less payment made pursuant to paragraph (d)(1) of this section.

(e) 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 delivery period and the identity of the handler and of the producer;

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

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1064.80, 1064.81 and 1064.82;

(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 § 1064.87 together with a description of the respective deductions; and

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

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 1064.81 Location differentials to producers and on nonpool milk.

(a) The uniform price and the base price for producer milk received at a pool plant or diverted from a pool plant shall be reduced according to the location of the pool plant at the rate set forth in § 1064.53; and

(b) For purposes of computations pursuant to §§ 1064.84 and 1064.85 the weighted average price shall be adjusted at the rates set forth in § 1064.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1064.82 Producer butterfat differential.

In making payments pursuant to § 1064.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, an amount computed by adding 4 cents to the butter price specified in § 1064.50 dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 1064.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section.

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), and §§ 1064.84 and 1064.86.

(b) Payments due handlers pursuant to §§ 1064.85 and 1064.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1064.61, 1064.84, 1064.86, 1064.87 and 1064.88.

§ 1064.84 Payments to the producer-settlement fund.

On or before the 14th 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 § 1064.70 for such handler; and

(b) The sum of:

(1) The amount required to be paid producers by such handler pursuant to § 1064.80 before deductions authorized by the producer or for marketing services pursuant to § 1064.87; 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 Class III price) with respect to other source milk for which a

value is computed pursuant to § 1064.70 (e).

§ 1064.85 **Payments out of the producer-settlement fund.**

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1064.84(b) exceeds the amount computed pursuant to § 1064.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 1064.86 **Adjustment of accounts.**

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1064.80, 1064.84, 1064.85, 1064.86(a), 1064.87, and 1064.88 shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1064.87 **Marketing service.**

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1064.80(a), shall deduct 5 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 delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1064.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 1064.88 **Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month two cents per hundredweight, or such lesser amount as the Secretary may prescribe, of (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1064.46 (a) (3) and (7) and the corresponding steps of § 1064.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant except by a handler exempt pursuant to § 1064.60 on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1064.89 **Termination of obligation.**

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

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

(1) The amount of the obligation;

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

(3) If the obligation is payable to one or more producers or to an association of 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 order, to make available to the market administrator or his representative all books and records required by this order 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 obligations are made available to the market administrator or his representatives.

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

(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 two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two 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.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1064.90 **Effective time.**

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1064.91.

§ 1064.91 **Suspension or termination.**

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

§ 1064.92 **Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part 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.

§ 1064.93 **Liquidation.**

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

MISCELLANEOUS PROVISIONS

§ 1064.100 Agents.

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

§ 1064.101 Separability of provisions.

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

Effective date. April 1, 1965.

Signed at Washington, D.C., on March 25, 1965.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 65-3229; Filed, Mar. 30, 1965; 8:45 a.m.]

[Milk Order 103]

PART 1100—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

PART 1105—MILK IN MISSISSIPPI DELTA MARKETING AREA

Order Regulating Handling

In the termination order issued August 27, 1964 (29 F.R. 12477), all provisions of the former Central Mississippi order (7 CFR Part 1103) were terminated except §§ 1103.103 and 1103.107. Effective May 1, 1965, this Part 1103—Milk in the Central Mississippi Marketing Area, is redesignated as Part 1100 (7 CFR Part 1100—Milk in the Central Mississippi Marketing Area), and § 1103.103 (Liquidation) and § 1103.107 (Continuing obligations), as §§ 1100.103 and 1100.107, respectively.

This order merges Part 1105—Milk in the Mississippi Delta Marketing Area, with Part 1103—Milk in the Mississippi Marketing Area, contained herein and vacates Part 1105.

All reserves in the producer-settlement funds and assets of the administrative and marketing service funds under the Mississippi Delta order and former Central Mississippi order shall be transferred to the corresponding funds of the Mississippi order in accordance with the instructions contained in the decision of March 11, 1965 (30 F.R. 3470). Obligations which are due and owing to such funds of the Mississippi Delta order and former Central Mississippi order shall remain, and shall be paid into the combined funds under the Mississippi order. Any liabilities against the respective funds of such prior orders shall be paid from the new funds.

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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.

§ 1103.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the 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, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such amount not to exceed five cents per hundredweight as the Secretary may prescribe, with respect to:

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

(ii) Other source milk allocated to Class I pursuant to § 1103.46(a) (3) and (7) and the corresponding steps of § 1103.46(b);

(iii) Applicable amounts specified in § 1103.62; and

(iv) Receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13(d).

(b) *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 effectuation of the declared policy of the Act;

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the order regulating the handling of milk in the Mississippi Delta marketing area (Part 1105) is merged into the order regulating the handling of milk in the Mississippi marketing area (Part 1103). Part 1105 is hereby vacated and the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of Part 1103 as follows:

DEFINITIONS

§ 1103.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted 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 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.	Madison.
Attala.	Marion.
Bolivar.	Montgomery.
Calhoun (Beats 1 and 4 only).	Neshoba.
Carroll.	Newton.
Choctaw.	Noxubee.
Claiborne.	Oktibbeha.
Clarke.	Perry.
Coahoma (Beats 4 and 5 only).	Quitman (Beats 2, 3, 4, and 5 and the village of Crowder including that portion in Panola County).
Copiah.	Rankin.
Covington.	Scott.
Forrest.	Sharkey.
Franklin.	Simpson.
Grenada.	Smith.
Harrison (Keesler Air Force Base only).	Sunflower.
Hinds.	Tallahatchie.
Holmes.	Walthall.
Humphreys.	Warren.
Jasper.	Washington.
Jefferson.	Wayne.
Jefferson Davis.	Webster (except Beat 5).
Jones.	Winston.
Lamar.	Yazoo.
Lauderdale.	Yalobusha (Beats 1, 4 and 5 only).
Lawrence.	
Leake.	
Leflore.	
Lincoln.	
Lowndes.	

§ 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 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 the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers is disposed of during the month as route disposition and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition or a daily average during the month of 7,000 pounds, whichever is less;

(b) A supply plant from which a volume of fluid milk products 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 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 or a daily average during the month of 7,000 pounds, whichever is less: *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 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 labeled Grade A 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 eligible for distribution in the marketing area under a Grade-A label 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 which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant: *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 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) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) 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: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire 2 immediately preceding months, except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the 2 immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) 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 diversions 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 a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) 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 15 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 a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a producer who is not a member of a cooperative association by 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 15 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 milk or butterfat contained in milk (a) received at a pool plant(s) directly from a producer, (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, 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 desert and mixes, and sterilized products contained in hermetically sealed cans): *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.

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; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1103.72, 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; and

(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) For the months of March through July, the amounts of his base milk and excess milk, respectively; and

(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, and for the months of March through July, the aggregate of base and excess milk, respectively;

(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 at the end of such month;

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

(3) 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 § 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 the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I 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 and for the base-operating months of March through July the total pounds of base and excess milk, respectively;

(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 with separate totals for base milk and excess milk for the months of March through July, 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, skim milk, cream, and other milk products handled;

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

(d) Payments to producers, 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; and

(2) 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 inventory of 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 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

(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 diversions 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 diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the New State Capitol in Jackson or the County Courthouse in Columbus, Gulfport, or Meridian, Miss.

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

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 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 and are adequate for verification of the Class II usage claimed; 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 route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants;

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

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants, classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification;

(iv) Remaining quantities of skim milk and butterfat transferred to the nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act shall be assigned (after the application of provisions of any other order similar to subdivision (iii) of this subparagraph) to the skim milk and butterfat, respectively, resulting from the following computation:

(*a*) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1103.41(b)(1)) at such nonpool plant during the month;

(b) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in total fluid receipts physically received at such nonpool plant during the month;

(c) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of each month at such nonpool plant as compared with that at the beginning of the month;

(d) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which milk is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfer(s) that is classified under such other order pursuant to provisions similar to subdivision (iii) of this subparagraph;

(e) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant meeting the conditions of subparagraph (2) of this paragraph, other than an other order plant or producer-handler plant, which skim milk or butterfat is not in excess of Class II (pursuant to § 1103.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form; and

(f) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each such plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk;

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

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

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

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

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 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 in 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 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 for which Grade A certification is not established, or which are from unidentified sources; and

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

(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 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 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; 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; and

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, 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;

(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) 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 subparagraph (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 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 subparagraph (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 plants 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.

§ 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.* For the first 18 months in which the order is effective, the minimum Class I milk price shall be the basic formula price for the preceding month, plus $2.26 through July 1965 and effective August 1, 1965 and thereafter, plus $2.15 during the months of March through July and $2.35 in all other months;

(b) *Class II milk price.* The Class II milk price shall be the lesser of the following prices:

(1) The basic formula price for the months of August through February and the basic formula price less 10 cents in all other months; or

(2) The Class II milk price established pursuant to § 1094.51(b) of this chapter regulating the handling of milk in the New Orleans, Louisiana, marketing area.

§ 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 following Mississippi counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren, and Wayne	10.0
(2) For milk received at a pool plant located beyond the northern boundary of the counties listed in (1) but less than 30 miles north of the U.S. Highway No. 82	25.0
(3) Except as provided in subparagraph (2) of this paragraph, 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 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.

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

(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 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 its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 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 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.

§ 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. 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, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 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 as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

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

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

(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); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(7) and the corresponding step of § 1103.46(b).

§ 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", and, except for the months of March through July, shall be the "uniform price" for milk received from producers.

§ 1103.72 **Computation of uniform prices for base milk and for excess milk.**

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk, received by all pool handlers whose receipts are included in the computation pursuant to § 1103.71 to producer milk in each class in series beginning with Class II;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of subparagraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and round to the nearest cent. The result shall be the "uniform price for excess milk"; and

(b) *Base milk price.* (1) From the aggregate value of all milk obtained in § 1103.71 (a) through (d) subtract the following:

(i) An amount computed by multiplying the hundredweight of milk specified in § 1103.71(e)(2) by the weighted average price; and

(ii) An amount computed by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all pool handlers whose receipts are included in the computation pursuant to § 1103.71: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (3) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(3) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the "uniform price for base milk".

BASE RATING

§ 1103.80 **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 pool plants from such producer during the months of September through January by the larger of:

(a) 120 days; or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.81 **Computation of base.**

The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 1103.82 **Base rules.**

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

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base-forming period, but which qualifies as a pool plant during any of the months of March through July. Bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following conditions:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base-forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base-forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.83 **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.

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 applicable uniform price(s) pursuant to § 1103.71 or § 1103.72 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, an advance payment with respect to milk received from such producer during the first 15 days of the month at not less than the Class II price for 3.5 percent milk for the preceding 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 or 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 payment to producers pursuant to § 1103.90, the uniform price pursuant to § 1103.71 and the uniform price for base milk pursuant to § 1103.72 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 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); (c) Class I milk disposed of from a partially regulated distributing plant as route dispositions in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants; 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 §§ 1103.62, 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 two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

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

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of 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 milk involved in the claim was 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 provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 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: May 1, 1965.

Signed at Washington, D.C., on March 26, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-3236; Filed, Mar. 30, 1965; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—Standards for Approval of Warehouses and Continuing Operations Under Price Support Programs

This subpart (25 F.R. 12283) is revised as follows:

Sec.
1421.5551 General statement and administration.
1421.5552 Exceptions.
1421.5553 Application requirements.
1421.5554 Standards for warehousemen and warehouses.
1421.5555 Inspection of warehouses.
1421.5556 Basis for approval or disapproval.
1421.5557 Other conditions for disapproval.
1421.5558 Bonding requirements.
1421.5559 Approval of warehouse and duration of approval.
1421.5560 Waiver of requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1421.5551 General statement and administration.

This subpart prescribes the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by Commodity Credit Corporation (hereinafter referred to as "CCC") for the storage and handling, under the applicable CCC storage agreement(s), of wheat, corn, oats, rye, barley, grain sorghums, flaxseed, soybeans, rice, seed, and dry edible beans (hereinafter referred to collectively as "grain"), owned by CCC or held by CCC as security for loans and also prescribes the requirements of CCC for approval of such warehouses. Warehousemen desiring approval of their warehouses should communicate with the ASCS Commodity Office (hereinafter referred to as "commodity office"), serving the State in which the warehouses are located. These commodity offices and the States which they serve are:

(a) Evanston ASCS Commodity Office, United States Department of Agriculture, 2201 Howard Street, Evanston, Ill., 60202—

Connecticut.	New Jersey.
Delaware.	New York.
Florida.	North Carolina.
Georgia.	North Dakota.
Illinois.	Ohio.
Indiana.	Pennsylvania.
Iowa.	Rhode Island.
Kentucky.	South Carolina.
Maine.	South Dakota.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Michigan.	Virginia.
Minnesota.	West Virginia.
Montana.	Wisconsin.
New Hampshire.	

(b) Kansas City ASCS Commodity Office, United States Department of Agriculture, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo., 64141—

Alabama.	Nebraska.
Alaska.	Nevada.
Arizona.	New Mexico.
Arkansas.	Oklahoma.
California.	Missouri.
Colorado.	Oregon.
Hawaii.	Texas.
Idaho.	Utah.
Kansas.	Washington.
Louisiana.	Wyoming.
Mississippi.	

A warehouse must be approved by a commodity office before such warehouse will be used for the storage and handling of grain. The commodity offices will furnish warehousemen with full information as to securing approval of a warehouse together with the necessary application forms. The approval of a warehouse or the execution of an agreement with the warehouseman shall not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

§ 1421.5552 Exceptions.

Notwithstanding any other provision hereof:

(a) The provisions of this subpart are not applicable to storage outside of the limits of the several States of the United States and the District of Columbia; to the purchase of grain in storage for prompt shipment; or to handling of a temporary nature.

(b) Warehousemen licensed under the United States Warehouse Act will not be required to furnish to CCC performance bonds, or financial statements in order to be approved hereunder, and CCC will not inspect their warehouses. However, all other requirements of this subpart shall be met by such warehousemen seeking approval under this subpart and possession of a license under the U.S. Warehouse Act shall not alone qualify a warehouseman for approval for a storage agreement.

(c) If a Certificate of Competency is issued by the Small Business Administration with respect to a warehouseman, the certificate will be accepted as establishing conformance by the warehouseman with the standards prescribed in § 1421.5554(b) (1), (2), (4), and (5), and (c), (d), and (e) (1), (2), (3) (4), and (5), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth or working capital.

§ 1421.5553 Application requirements.

In applying for approval of a warehouse for storage and handling of grain, the warehouseman must furnish a completed Form CCC-24, Application for Approval of Warehouse (Grain, Rice, Seed, and Dry Edible Beans), for each type of agreement and for each location; a completed Form CCC-24-1, Supplement to Application for Approval of Warehouse (Grain, Rice, Seed, and Dry Edible Beans), for each section of the warehouse; a current financial statement (CCC Form 68, Statement Showing Assets and Liabilities); and such other documents or information as may be required by the commodity office. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or statement may be separate from the financial statement. A financial statement may also be required with an application for approval of additional storage space under an existing agreement. Financial statements shall show information as of a date not earlier than 90 days prior to date of the statement.

§ 1421.5554 Standards for warehousemen and warehouses.

CCC will consider applications for approval of warehouses upon the basis of the applicant's conformance with the standards prescribed in this section.

(a) The warehouseman shall:

(1) Be an individual, or an existing legal entity organized in good faith to operate a public warehousing business and, if organized in the corporate form, must have charter authority to conduct a public warehousing business.

(2) Have sufficient experience and knowledge of the warehousing business, as related to the commodity to be stored or handled, to enable him to give adequate protection and services for the proper storage and handling of that commodity.

(3) Have satisfactorily complied with all previous agreements with CCC or USDA and instructions issued thereunder: *Provided, however*, That this provision shall not be applied in circumstances other than those excepted from CCC's General Regulations and Policies for Suspension and Debarment, Part 1407 of this chapter, 29 F.R. 10495, unless suspension or debarment action has been taken as provided in such regulations.

(4) Have a net worth equal to at least 4 percent of the total value of the principal commodity to be stored computed in accordance with the provisions of this subparagraph with a minimum net worth of $10,000. Deficiencies in net worth may be compensated for by additional bond coverage, except that the warehouseman must meet the minimum net worth requirement of $10,000. For the purpose of this subpart, the total value of the principal commodity to be stored in a warehouse shall be computed by multiplying the unit price of such principal commodity, as determined annually by the Executive Vice President, CCC, by the total capacity of the warehouse to store such commodity, expressed in terms of the unit used for the purpose of such unit price. The unit price to be used in such computation may be obtained from the appropriate commodity office.

(5) Have sufficient working capital available, as determined by the appropriate commodity office.

(6) Maintain adequate inventory and operating records.

(7) Make application for approval in the manner specified in § 1421.5553.

(8) Furnish surety bonds as may be required by CCC under § 1421.5558.

(9) Furnish annually, or at such other times as CCC may require, a current financial statement supported by such supplemental schedules as CCC may request for the purpose of evaluating the financial condition of the warehouseman.

(b) Supervisory employees of the warehouse shall meet the requirements of paragraph (a) (2) and (3) of this section.

(c) Owners, directors, responsible officers and employees of the warehouse shall meet requirements of paragraph (a)(3) of this section.

(d) The warehouse shall meet the following requirements:

(1) Be of sound construction with equipment in good repair.

(2) Be under the control at all times of the warehouseman with whom the storage agreement will be made.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have such fire-fighting equipment as CCC determines is customary for the type of warehouse for which approval is sought.

(5) Be able to load out that quantity of grain for which the warehouse is or may be approved within approximately thirty (30) working days, except that maximum load-out requirements need not be more than 200 cars per day regardless of the warehouseman's storage capacity and load-out capacity. Port facilities are excluded from this requirement but shall have load-out equipment and load-out capacity adequate, as determined by CCC, to perform required services.

(6) Be located on a railroad or waterway, or have a suitable rail load-out point under the complete control of the warehouseman.

(7) Have prenumbered warehouse receipts and scale tickets. If a warehouse which was approved prior to July 2, 1964, has a supply of unnumbered scale tickets on hand, it will not be necessary to discontinue such unnumbered scale tickets and replace them with prenumbered scale tickets. In such cases, the warehouseman shall have future orders of scale tickets prenumbered.

(8) Where State or local law requires licensing to act as a public warehouse, the license must be made available or posted in the warehouse or a satisfactory notice of approval must have been received by CCC from the licensing authority.

§ 1421.5555 Inspection of warehouses.

Except in the case of a warehouse licensed under the U.S. Warehouse Act, prior to the time CCC approves a warehouse for the storage and handling of grain, CCC will have the warehouse examined by a warehouse examiner. In addition, CCC will take such other action as it considers necessary to determine whether the requirements of § 1421.5554 have been met. The warehouse examiner will make recommendations to the commodity office regarding the approval or disapproval of the warehouse.

§ 1421.5556 Basis for approval or disapproval.

The commodity office will review and analyze the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information available from other sources. If, on the basis of this review and analysis, the commodity office determines that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. If the commodity office determines that one or more of the standards of § 1421.5554 are not met, the applicant shall be disapproved, except that it may be approved if a waiver has been granted under § 1421.5560 and it is determined by the commodity office that the conditions for the storage and handling of grain within the warehouse provide satisfactory protection for grain, that the services of the warehouseman are required by CCC in fulfilling its responsibilities under the grain price support program, and, in addition to any bond which may be furnished under § 1421.5554(b)(4) to compensate for deficiency in net worth, a bond (or acceptable substitute security) is furnished in an amount determined by the commodity office to be necessary to protect the interests of CCC.

§ 1421.5557 Other conditions for disapproval.

An application will not be approved (or existing approval continued in effect) in the event that:

(a) The warehouseman (if license is required) is in violation of any provisions of the regulations of the licensing authority, or if any condition which has resulted or may result in the refusal, suspension, or revocation of the applicable warehouse license has not been corrected. Correction of any such condition shall not result in automatic approval of the warehouse and CCC may require the submission of a new application or such additional information as it deems pertinent and may inspect the warehouse to determine whether it meets the requirements of this subpart.

(b) The warehouse for which approval is being sought or any of the owners, directors, responsible officers and employees thereof have been suspended or debarred under the CCC's General Regulations and Policies for Suspension and Debarment, Part 1407 of this chapter, 29 F.R. 10495.

§ 1421.5558 Bonding requirements.

(a) Except as provided in paragraphs (a), (b), and (c) of this section, the bonding requirements for an applicant for a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement, who otherwise meets the requirements of this subpart, will be deemed to have been met by the CCC Blanket Insurance Policy. The Blanket Insurance Policy covers all warehousemen operating under any of these agreements as of the effective date of the policy, and warehousemen entering into any of these agreements during the period of the Blanket Insurance Policy. The blanket coverage protects CCC against losses up to $2,000,000 for each such warehouse having a separate CCC warehouse code number, with a maximum aggregate annual liability to the insurance company of $50,000,000. This coverage does not, however, relieve any warehouseman from his obligation to insure the grain against loss or damage as specified in the applicable CCC storage agreement(s). In addition, warehousemen approved under the Uniform Grain Storage Agreement, the Uniform Rice Storage Agreement, or the Bean Storage Agreement, whose coverage under the CCC Blanket Insurance Policy has been terminated by the underwriter, will be required to furnish to CCC a performance bond on CCC Form 33, or suitable substitute security, if, despite such termination of coverage under the CCC Blanket Insurance Policy, it is determined that continued approval under the applicable storage agreement is essential in carrying out the functions and responsibilities of CCC and is otherwise in the public interest. Such performance bonds shall be executed by surety companies which have been approved by the United States Treasury Department (Circular No. 570) and which maintain an officer or representative authorized to accept service of legal process in the State where the warehouse is located. The bond or substitute security will be in such amount as CCC determines necessary to protect its interests.

(b) Bond coverage for a warehouseman applying for approval of a warehouse for the storage of milled rice and seed, who fully conforms with all of the standards and requirements specified in this subpart, shall be in the amount of six percent of the total value of the principal commodity to be stored as computed in accordance with § 1421.5554(a)(4), but such bond coverage shall not be less than $5,000 and need not be more than $200,000. The Blanket Insurance Policy does not cover milled rice and seed and, except as otherwise provided in this subpart, warehousemen to be approved for the storage of milled rice and seed under applicable storage agreements, shall furnish performance bonds to CCC on CCC Form 33, Warehouseman's Bond-Storage Agreement, copies of which may be obtained from the commodity offices.

(c) Notwithstanding any other provisions of this subpart, if in the light of all the circumstances regarding operation of the warehouse, the commodity office determines that the amount of bond coverage required under this section is not sufficient to protect properly the interests of CCC, it may require such additional bond coverage as it deems necessary for such purpose.

(d) In the case of a warehouseman applying for approval of more than one warehouse in the same State, the total capacity of all warehouses in a State under single ownership shall be considered as one warehouse for the purpose of determining bonding requirements.

(e) State warehouse bonds (statutory bonds), cash, negotiable securities, and legal liability insurance policies may be substituted for bonds on CCC Form 33 under the following conditions:

(1) A State warehouse bond furnished by a warehouseman licensed under State laws and subject to State supervision or a bond furnished under the regulations of nongovernmental supervisory agencies will be accepted by CCC in lieu of the equivalent amount of bond coverage required under this section if CCC determines that it provides protection equivalent to the type of protection provided by CCC Form 33. Such bond must be executed by satisfactory corporate sureties which have been approved by the United States Treasury Department (Circular No. 570) or which have had a blanket rider and endorsement executed by a surety approved by the United States Treasury Department. The liability of the sureties under a blanket rider and endorsement shall be the same as that of the surety under the original bond. State warehouse bonds must be noncancellable for a definite period of time not less than 90 days and include a rider providing for not less than 90 days' notice to CCC before cancellation. In case the warehouseman has more than one warehouse in the same State and has State warehouse bonds covering such warehouses which are determined to be acceptable to CCC, the excess coverage on one warehouse may not be applied against insufficient bond coverage on another facility.

(2) Cash or negotiable securities may be accepted in lieu of the equivalent amount of required bond coverage. The commodity office will determine the acceptability of and valuation to be placed on any such securities in substitution for bond coverage. When the period for which the bond was required has ended and the commodity office determines that all liability under the agreement has terminated, the cash or securities will be returned to the warehouseman.

(3) Legal liability insurance policies may be accepted in lieu of the equivalent amount of bond coverage running directly to CCC. Such insurance policies, however, must show CCC as the insured and be approved for legal sufficiency by the Regional Attorney or the Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture.

§ 1421.5559 Approval of warehouse and duration of approval.

(a) After a warehouse has been approved and the applicable storage agreement has been signed by CCC, a notice of approval will be forwarded to the warehouseman by the commodity office. The warehouse will then be eligible to store and handle CCC-owned grain and grain under CCC's loan and purchase agreement programs.

(b) The financial condition of, and amount of bond or substitute security furnished by, approved warehousemen will be reviewed from time to time to determine that the requirements of CCC are being met and the warehouseman shall furnish any additional bond coverage or substitute security which CCC may determine to be required under the provisions of this subpart. The warehouse will be re-examined from time to time to determine its continued compliance with the standards and requirements of this subpart. If CCC at any time determines that a warehouseman or the warehouse does not conform with the standards and other requirements set out in this subpart, CCC shall remove the warehouse from the "List of Approved Warehouses," and take such other appropriate action as may be necessary to protect the interests of CCC.

(c) Approval of the warehouse will remain in effect until the warehouse is removed from the "List of Approved Warehouses," or the storage agreement is terminated, or the warehouseman is suspended or debarred from contracting with CCC under the applicable Regulations and Policies for Suspension and Debarment, Part 1407 of this chapter, published at 29 F.R. 10495.

§ 1421.5560 Waiver of requirements.

In the event the warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, CCC may exempt the applicant from one or more of the provisions of this subpart and may establish other requirements in lieu thereof as determined necessary to safeguard the interests of CCC. The authority provided by this section shall be exercised only by the Executive Vice President, or the Acting Executive Vice President, CCC.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 25, 1965.

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

[F.R. Doc. 65-3250; Filed, Mar. 30, 1965; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

CODIFICATION AND TERMINOLOGY CHANGES

CROSS REFERENCE: For a document affecting Chapter I of Title 9, see F.R. Doc. 65-3304, Chapter III of this title, *infra*.

Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture

CODIFICATION AND TERMINOLOGY CHANGES

Pursuant to the order of the Secretary, dated February 8, 1965 (30 F.R. 2160), which transferred the Meat Inspection Division from the Agricultural Research Service to the Consumer and Marketing Service, and under the authority of the statutes under which the rules and regulations of the Meat Inspection Division appearing in 9 CFR Chapter I (Agricultural Research Service, Department of Agriculture) were issued, it is hereby ordered as follows:

(1) A new Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture, is hereby established in Title 9.

(2) Parts 1 through 40, inclusive (9 CFR Parts 1-40), formerly designated as Chapter I—Agricultural Research Service, Department of Agriculture, Subchapter A—Meat Inspection Regulations, are hereby transferred to Chapter III, of Title 9, are designated as Subchapter A—Meat Inspection Regulations, and are renumbered as Parts 301 through 340, respectively.

(3) The phrase "Agricultural Research Service" is changed to "Consumer and Marketing Service" wherever it appears in renumbered §§ 301.1 (d), (e), (f), and (bb), and 340.2(b).

(4) Part 155 (9 CFR Part 155), formerly designated as Chapter I, Subchapter H—Voluntary Inspection and Certification Service, is hereby transferred to Chapter III, of Title 9, is redesignated as Subchapter B—Voluntary Inspection and Certification Service, and is renumbered Part 355. Part 156 remains as such in Chapter I, Subchapter H.

(5) The phrase "Agricultural Research Service" as it appears in renumbered § 355.1(b) is changed to read "Consumer and Marketing Service."

(6) Part 171 (9 CFR Part 171), formerly designated as Chapter I, Subchapter J—Process or Renovated Butter, is hereby transferred to Chapter III, of Title 9, is redesignated as Subchapter C—Process or Renovated Butter, and is renumbered Part 371.

(7) The phrase "Agricultural Research Service" as it appears in renumbered §§ 371.1 and 371.3 is hereby changed to "Consumer and Marketing Service."

(8) Subchapter K—Humane Slaughter of Livestock (9 CFR Chapter I, Subchapter K) is hereby transferred to Chapter III, of Title 9, and redesignated as Subchapter D—Humane Slaughter of Livestock. Parts 180 and 181 are renumbered Parts 380 and 381, respectively.

(9) The phrase "Agricultural Research Service" as it appears in renumbered § 380.1(b) is hereby changed to "Consumer and Marketing Service".

The foregoing shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of March 1965.

S. R. SMITH,
Administrator, Consumer and Marketing Service.

[F.R. Doc. 65-3304; Filed, Mar. 30, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-EA-60]

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

Alteration of Federal Airway

On January 16, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 588) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 431 from Keene, N.H., direct to Glens Falls, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-431 is amended by deleting "From Cambridge, N.Y.," and substituting "From Keene, N.H.," therefor.

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

Issued in Washington, D.C., on March 25, 1965.

D. E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-3256; Filed, Mar. 30, 1965; 8:47 a.m.]

[Airspace Docket No. 64-EA-69]

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

Designation of Transition Area

On January 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 539) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an en route transition area at Turkey, Ky.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643), the following transition area is added:

TURKEY, KY.

That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Whitesburg, Ky., VOR 301° radial, extending from a point 25 miles NW of the VOR to 52 miles NW of the VOR. (Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-3257; Filed, Mar. 30, 1965; 8:47 a.m.]

[Airspace Docket No. 64-EA-29]

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

Designation of Transition Area

On pages 801 and 802 of the FEDERAL REGISTER of January 26, 1965, there was published a notice of proposed rule making to issue a regulation which would establish a 700-foot transition area over the Beaver County Airport, Beaver Falls, Pa.

Interested persons were given 45 days in which to submit written data or views with respect to the proposed regulation. No objections to the proposed regulation were received.

The proposed regulation is hereby adopted without change effective 0001 e.s.t., May 27, 1965.

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

Issued in Jamaica, N.Y., on March 17, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 by establishing a Beaver Falls, Pa. transition area as described as follows:

BEAVER FALLS, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa. and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

[F.R. Doc. 65-3258; Filed, Mar. 30, 1965; 8:47 a.m.]

[Airspace Docket No. 63-SW-102]

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

Alteration of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extension

On September 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12879) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the San Antonio, Tex., terminal area. On December 19, 1964, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 18096) altering the proposed San Antonio and Johnson City transition areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17631), the San Antonio, Tex. (International Airport), control zone is amended to read as follows:

SAN ANTONIO, TEX. (INTERNATIONAL AIRPORT)

That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile S of the VORTAC, within 2 miles each side of the San Antonio ILS localizer NW course extending from the 5-mile radius zone to 1 mile SE of the OM, and within 2 miles each side of the San Antonio ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the airport.

2. In § 71.171 (29 F.R. 17631) the San Antonio, Tex. (Randolph AFB) control zone is amended to read as follows:

SAN ANTONIO, TEX. (RANDOLPH AFB)

That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the La Vernia, Tex., VOR 329° and 338° radials extending from the 5-mile radius zone to 1 mile NW of the VOR, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 7.5 miles SE.

3. In § 71.171 (29 F.R. 17631) the San Antonio, Tex. (Kelly AFB) control zone is amended to read as follows:

SAN ANTONIO, TEX. (KELLY AFB)

That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

4. In § 71.165 (29 F.R. 17576) the San Antonio, Tex., control area extension is revoked.

5. In § 71.181 (29 F.R. 17643) the following transition area is added:

SAN ANTONIO, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W., thence W via latitude 29°22'30" N., to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°46'30" N., E of longitude 98°30'00" W.; thence to latitude 29°43'00" N., longitude 98°01'30" W., thence to point of beginning, and within 5 miles NE and 8 miles SW of the 149° bearing from the Randolph AFB RBN extending from the RBN to 12 miles SE, within 5 miles NE and 8 miles SW of the

La Vernia VOR 149° radial extending from the VOR to 12 miles SE, within 2 miles each side of the 189° bearing from the Kelly AFB OM extending from the OM to 23 miles S, and within 2 miles each side of the Kelly VOR 189° radial extending from the VOR to 26 miles S; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°33'30" N., longitude 98°31'30" W.; thence to latitude 29°45'30" N., longitude 98°06'00" W.; to latitude 29°50'08" N., longitude 97°25'45" W.; to latitude 29°54'00" N., longitude 96°49'00" W.; to latitude 29°30'00" N., longitude 96°39'30" W.; to latitude 29°30'00" N., longitude 97°26'00" W.; to latitude 29°19'45" N., longitude 97°26'00" W.; to latitude 29°00'00" N., longitude 97°43'00" W.; to latitude 28°43'30" N., longitude 98°17'30" W.; to latitude 28°54'00" N., longitude 99°05'00" W.; to latitude 30°10'40" N., longitude 99°18'40" W.; thence to point of beginning; and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at latitude 29°24'00" N., and the arc of a 75-mile radius circle centered at latitude 29°38'37.7" N., longitude 98°27'39.7" W.; thence clockwise along this arc to longitude 98°33'00" W.; thence to latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 30°10'40" N., longitude 99°18'40" W.; to latitude 29°19'50" N., longitude 99°10'30" W.; thence to point of beginning; and that airspace extending upward from 6,500 feet MSL bounded by a line beginning at latitude 29°30'00" N., longitude 97°26'00" W.; to latitude 29°30'00" N., longitude 96°39'30" W.; to latitude 29°08'00" N., longitude 97°00'00" W.; to latitude 29°00'00" N., longitude 97°17'00" W.; to latitude 29°00'00" N., longitude 97°43'00" W.; to latitude 29°19'45" N., longitude 97°26'00 W.; thence to point of beginning; excluding the portions of the transition area with floors of 4,500 and 6,500 feet MSL that lie within federal airways.

6. In § 71.181 (29 F.R. 17643) the following transition area is added:

JOHNSON CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City, Tex., airport (latitude 30°15'20" N., longitude 98°37'15" W.); and within 2 miles each side of the 175° bearing from the Johnson City RBN extending from the 7-mile radius area to 8 miles S of the RBN.

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

Issued in Fort Worth, Tex., on March 24, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65-3259; Filed, Mar. 30, 1965; 8:47 a.m.]

[Airspace Docket No. 65-EA-24]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R-4901 at Isle of Shoals, N.H., by changing the time of designation from "Sunrise to sunset, Monday through Friday." to "From 1000 to 1700 hours, local time, Monday through Friday."

The U.S. Navy has advised that it is rescheduling its activities in R-4901 to allow the local commercial lobstermen more time for fishing the waters within and surrounding this restricted area.

Since this amendment is less restrictive than the present time of designation, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.49 (29 F.R. 17755), R-4901 at Isle of Shoals, N.H., is amended by deleting "Time of designation. Sunrise to sunset, Monday through Friday." and substituting therefor "Time of designation. From 1000 to 1700 hours, local time, Monday through Friday."

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

Issued in Washington, D.C., on March 25, 1965.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-3260; Filed, Mar. 30, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Coordination Product of Zinc Ion and Maneb; Tolerance for Residues

A petition (PP 5F0431) was filed with the Food and Drug Administration by Rohm & Haas Co., 222 West Washington Square, Philadelphia, Pa., 19105, requesting the establishment of a tolerance for residues of a fungicide consisting of a coordination product of zinc ion and maneb containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product of which is calculated as zinc ethylenebisdithiocarbamate), in or on melons at 7 parts per million on the whole fruit, with no residue present in the edible portion after the peel is removed and discarded.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90) the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.176) are amended by inserting immediately following the item "10 parts per million in or on the whole fruit * * *" a new item reading as follows:

§ 120.176 Coordination product of zinc ion and maneb; tolerances for residues.

* * * * *

7 parts per million in or on melons, with no residue present in the edible portion after the peel is removed and discarded.

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

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

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

Dated: March 24, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-3301; Filed, Mar. 30, 1965; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6812]

PART 172—DISPOSITION OF SEIZED PERSONAL PROPERTY

Miscellaneous Amendments

In order to implement an administrative decision with respect to the delegation of authority to authorize the institution of libel proceedings, and in order to revise the procedure for the return of defective petitions for remission or mitigation of forfeiture, the regulations in 26 CFR Part 172 are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 172.26 is amended to read as follows:

§ 172.26 Forfeiture of seized personal property.

* * * * *

(b) *Judicial condemnation.* The Regional Counsel, Internal Revenue Service, shall authorize institution of libel proceedings in those instances where the appraised value of the seized personal property or carrier exceeds $2,500.00, or where a claim and cost bond are filed as provided above.

PAR. 2. Section 172.42 is amended to read as follows:

§ 172.42 Return of defective petition.

If the petition is defective in some correctable respect, the original of the petition will be returned by letter to the petitioner for his submission of a corrected petition, in triplicate, within a reasonable time.

Because this Treasury decision makes only procedural changes it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act. Accordingly, this Treasury decision shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code (68A Stat. 917, 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: March 26, 1960.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-3261; Filed, Mar. 30, 1965; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Patuxent River, Md.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.125 governing the use of a restricted area in Patuxent River, Md., is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.125 Patuxent River, Md.; restricted areas, U.S. Naval Air Test Center, Patuxent River, Md.

(a) Except in the gut off the tip of Point Patience, no person in the water and no craft shall approach closer than 75 yards to the beaches, shoreline, or piers of the area formerly occupied by the U.S. Naval Mine Warfare Test Station, or of U.S. Naval Air Station property. A person in the water or a civilian craft shall not approach rafts, barges, or platforms closer than 100 yards.

(b) Diving tenders will exhibit a square red flag with white X when underwater diving takes place from naval small craft. At such times, persons in the water and civilian craft shall stay at least 200 yards clear of these vessels and the civilian craft shall proceed at a speed not greater than five knots when within 1,000 yards thereof.

(c) On occasions, seaplane landings and takeoffs will be practiced in the seadrome area north of the U.S. Naval Air Station, Patuxent River. This area includes those waters of the Patuxent River between Town Point and Hog Point shoreward of a line described as follows: Beginning at a point on the shore just west of Lewis Creek, bearing 161°30' true, 2,000 yards from Point Patience Light; thence to a point bearing 130° true, 1,850 yards from Point Patience Light; thence to a point bearing 247°30' true, 3,650 yards from Drum Point Light; thence to a point bearing 235° true, 2,060 yards from Drum Point Light; thence to a point bearing 129° true, 700 yards from Drum Point Light; thence to a point bearing 137° true, 1,060 yards from Drum Point Light; and thence to a point on the shore west of Harper Creek entrance, bearing 158°30' true, 1,900 yards from Drum Point Light. Operations will be indicated by day by a square white flag with square blue center, and by night by one green light for operations in an easterly direction, or by two vertical green lights for operations in a westerly direction, all signals to be exhibited from Patuxent River Boathouse seawall at the U.S. Naval Air Test Center. In addition, crash boats will patrol the landing lanes during the operations, and by night float lights will mark the landing lanes. At such times as the above signals are exhibited the following restriction will apply to boating and to persons in the waters adjacent to the U.S. Naval Air Station in the area westward of Fishing Point: Persons in the water and boats will proceed across the seaplane operating area only in accordance with instructions from crash boats; will not enter the seaplane basins; and will not use the areas adjacent to seaplane basins.

(d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md., and such agencies as he may designate.

[Regs., Mar. 13, 1965, 1507-32 (Patuxent River, Md.)—ENGCW-ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-3246; Filed, Mar. 30, 1965; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

Exchange of Unserviceable and Spoiled Double Postal Cards

Regulations of the Post Office Department codified in § 31.5 (c) and (d) of Title 39, Code of Federal Regulations are amended to provide that unserviceable and spoiled double postal cards are acceptable for exchange at the post office, only if neither half is detached from the other. This change was the subject of a notice of proposed rule making, published in the FEDERAL REGISTER under date of February 10, 1965 (30 F.R. 1872-1873). No comments were received from the public. The amendment is hereby adopted as proposed to be effective 30 days following the date of publication in the FEDERAL REGISTER.

LOUIS J. DOYLE,
General Counsel.

In § 31.5 *Exchanges of stamps*, amend paragraphs (c) and (d) to read as follows:

§ 31.5 Exchanges of stamps.

* * * * *

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps, and postal cards, may be exchanged for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

(2) Unmutilated aerogrammes (air-letter sheets), for postage value less 1 cent for each aerogramme redeemed.

(3) Unmutilated single postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(4) Double postal cards are acceptable only if neither half is detached from the other for 85 percent of postage value.

(5) Sheet postal cards spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

(6) Stamps affixed to commercial envelopes and post cards, for 90 percent of postage value. The envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

(7) Unused precanceled stamps in full coils or in full sheets redeemed from precanceled permit holders, for 90 percent of postage value. Stamped envelopes or aerogrammes (air-letter sheets) with a printed return address and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210 for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

(d) *Nonexchangeable.* The following are nonexchangeable:

(1) Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and postcards.

(2) Stamps cut from postal cards, stamped envelopes, or aerogramms (air-letter sheets).

(3) Parts and pieces of postal cards.

(4) Either half of double postal cards.

(5) Postal cards, stamped envelopes and air-letter sheets received for reply purposes.

(6) Mutilated and defaced stamps.

NOTE: The corresponding Postal Manual sections are 141.53 and 141.54.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 2502)

[F.R. Doc. 65-3240; Filed, Mar. 30, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS

The following material sets forth general procedures under which central supporting services and facilities, such as communications services, health units, and printing and duplicating plants, are provided to occupying agencies in Federal buildings in lieu of each agency providing the same services or facilities for its own use.

Subchapter A of Chapter 101 of Title 41, Code of Federal Regulations is amended by the addition of the following part:

Sec.

101-5.000 Scope of part.

Subpart 101-5.1—General

101-5.100 Scope of subpart.

101-5.101 Applicability.

101-5.102 Definitions.

101-5.103 Policy.

101-5.104 Economic feasibility of centralized services.

101-5.104-1 General.

101-5.104-2 Basis for determining economic feasibility.

101-5.104-3 Data requirements for feasibility studies.

101-5.104-4 Scheduling feasibility studies.

101-5.104-5 Designating agency representatives.

101-5.104-6 Conduct of feasibility studies.

101-5.104-7 Administrator's determination.

101-5.105 Operation of the centralized facility.

101-5.106 Agency committees.

Subparts 101-5.2—101-5.49 [Reserved]

AUTHORITY: The provisions of this Part 101-5 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-5.000 Scope of part.

This part prescribes the methods by which the General Services Administration provides for establishment of centralized services in Federal buildings occupied by a number of executive agencies.

Subpart 101-5.1—General

§ 101-5.100 Scope of subpart.

This subpart states general policies, guidelines, and procedures for the establishment of centralized services in multioccupant Federal buildings. It implements Bureau of the Budget Circular No. A-68, "Establishment of central supporting service facilities in headquarters and field office locations," dated August 28, 1964.

§ 101-5.101 Applicability.

The regulations in this part apply to all executive agencies which occupy space in or are prospective occupants of multioccupant Federal buildings located in the United States. In appropriate circumstances, the centralized services provided pursuant to this part may be extended to agencies occupying nearby Federal buildings. For purposes of this part, reference to Federal buildings may be deemed to include, when appropriate, leased buildings under the control of GSA.

§ 101-5.102 Definitions.

(a) "Centralized services" means those central supporting services and facilities provided to occupying agencies in Federal buildings in lieu of each agency providing the same services or facilities for its own use. It does not include such common buildings features as cafeterias, blind stands, auditoriums, dumbwaiters, incinerators, loading platforms, or similar facilities. Excluded, also, are interagency motor vehicle pools established pursuant to Public Law 766, 83d Congress, and covered by Part 101-39 of this chapter.

(b) "Occupying agency" means any Federal agency assigned space in a building for which GSA has responsibility for the functions of operation and maintenance in addition to space assignment.

§ 101-5.103 Policy.

To the extent practicable, GSA will provide or arrange for the provision of centralized services whenever such services insure increased efficiency and economy to the Government without hampering program activities or essential internal administration of the agencies to be served.

§ 101-5.104 Economic feasibility of centralized services.

§ 101-5.104-1 General.

GSA is currently providing various centralized services to Federal agencies in such fields as office and storage space, supplies and materials, communications, records management, and transportation services. Centralization of other supporting services or activities such as health units, printing and duplicating plants, use of training devices and facilities, pistol ranges, and central facilities for receipt and dispatch of mail, is frequently feasible with resulting economies in personnel, equipment, and space. Opportunities to effect economies through planned consolidation of such services occur particularly during the design stage of the construction of new Federal buildings.

§ 101-5.104-2 Basis for determining economic feasibility.

(a) Whenever possible, determination of the economic feasibility of a proposed centralized service shall be based upon standard data on the relationship of the size of the Federal building, the number of occupants, location, and other factors pertinent to the type of centralized service being considered.

(b) In the absence of standard data on which a determination of economic feasibility can be based, or where such data must be supplemented by additional factual information, a formal feasibility study will be made by GSA prior to a final determination to proceed with the furnishing of a centralized service. Generally, a formal feasibility study will be made only if provision of the proposed centralized service would involve the pooling of staff, equipment, and space which occupying agencies otherwise would be required to utilize in providing the service for themselves. Examples of centralized services which require formal studies include printing and duplicating plants, self-service stores, and similar facilities.

(c) On the basis of experience under the centralized services program, GSA will develop criteria as to cost comparisons, production needs, building population, number of agencies involved, and other appropriate factors for consideration in determining the practicability of establishing various types of centralized services.

§ 101-5.104-3 Data requirements for feasibility studies.

(a) The data requirements for feasibility studies may vary from program to program, but shall be standard within any single program. Such data shall disclose the costs resulting from provision of the service on a centralized basis as compared to the same service provided separately by each of the occupying agencies, including the costs of personnel assigned to provide the service, comparative space needs, equipment utilization, and any other pertinent factors.

(b) Wherever feasible and appropriate, data will be secured directly from the prospective occupying agencies, subject to necessary verification procedures. Suitable standard formats and necessary instructions for submission of data will be prescribed in applicable subchapters of Chapter 101.

(c) Agencies required to submit data for a feasibility study will be furnished with copies of the prescribed reporting forms and such assistance as may be needed to assure their accurate and timely completion.

§ 101-5.104-4 Scheduling feasibility studies.

The schedule of feasibility studies will be coordinated by GSA with its construction, space management, and buildings management programs. Before initiating the study, the Administrator of General Services, or his authorized designee, will give at least 30 days' notice to the head of each agency that would be served by the proposed centralized facility. Such notice will contain an indication of the cost elements involved and the general procedures to be followed in the study.

§ 101-5.104-5 Designating agency representatives.

The head of each agency receiving a GSA notice regarding a scheduled feasibility study will be requested to designate one or more officials at the location where the study will be made who may consult with authorized GSA representatives. Such information and assistance as is required or pertinent for an adequate review of the feasibility of the proposed centralized service shall be made available to GSA through the designated agency representatives.

§ 101-5.104-6 Conduct of feasibility studies.

An initial meeting of the representatives of prospective occupying agencies will be held to discuss the objectives and detailed procedures to be followed in the conduct of each feasibility study. Arrangements will be made at this meeting for securing all necessary data in accordance with § 101-5.104-3.

§ 101-5.104.7 Administrator's determination.

(a) The Administrator of General Services will determine, on the basis of the feasibility study, whether provision of a centralized service meets the criteria for increased economy, efficiency, and service, with due regard to the program and internal administrative requirements of the agencies to be served. The Director of the Bureau of the Budget and the head of each agency affected will be advised of the Administrator's determination and of the reasons therefor. Each determination to provide a centralized service shall include a formal report containing an explanation of the advantages to be gained, a comparison of estimated annual costs between the proposed centralized operation and separate agency operations, and a statement of the date the centralized facility will be fully operational.

(b) While a formal appeals procedure is not prescribed, Bureau of the Budget Circular No. A-68 provides that any agency desiring to explain its inability to participate in the use of a centralized service may do so through a letter to the Director of the Bureau of the Budget, with a copy to the Administrator of General Services.

§ 101-5.105 Operation of the centralized facility.

(a) GSA will continually appraise the operation of centralized facilities to insure their continued justification in terms of economy and efficiency. Centralized services provided pursuant to this regulation may be discontinued or curtailed if no actual savings or operating improvements are realized after a minimum operating period of one year. Occupying agencies will be consulted regarding the timing of curtailment or discontinuance of any centralized services and the heads of such agencies notified at least 60 days in advance of such action.

(b) Where mutual agreement is reached, an agency other than GSA may be designated by the Administrator of General Services to administer the centralized service.

(c) Arrangements with regard to financing will conform to the special requirements of each type of centralized service and to existing law. Normally, reimbursement will be made for the use of established services except where the cost is nominal or where reimbursement may not be practicable.

§ 101-5.106 Agency committees.

(a) *Establishment.* An occupying agency committee will be established by GSA to assist it, or such other agency as may be responsible, in the cooperative utilization of the centralized services, as defined in § 101-5.102(a), provided in a Federal building. Generally, such a committee will be established when the problems of administration and coordination necessitate a formal method of consultation and discussion among occupying agencies.

(b) *Membership.* Each occupying agency of a Federal building is entitled to membership on an agency committee. The chairman of each such committee shall be a GSA employee designated by the appropriate GSA Regional Administrator, except that if another agency has been designated to administer the centralized service, the chairman shall be an employee of such other agency as designated by competent authority within that agency.

(c) *Activities.* Agency committees shall be advisory in nature and shall be concerned with the effectiveness of centralized services in the building. Recommendations of an agency committee will be forwarded by the chairman to the appropriate GSA officials for consideration and decision.

(d) *Reports.* A résumé of the minutes of each meeting of an agency committee shall be furnished to each member of the committee and to the appropriate GSA Regional Administrator.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: March 24, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65-3262; Filed, Mar. 30, 1965; 8:47 a.m.]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.3—Procurement From GSA Stores Stock

REQUISITIONS TO GSA

In Subpart 101-26.3, §§ 101-26.301 and 101-26.306 are amended to provide for compatibility with the FEDSTRIP system.

Sections 101-26.301 and 101-26.306 (29 F.R. 14726 and 14728) are amended to read as follows:

§ 101-26.301 Applicability.

* * * * *

(g) [Deleted]

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§ 101-26.306 Planned requisitioning for GSA stock items.

In placing requisitions for GSA stores stock items with GSA regional offices, agencies shall follow schedules or cyclical plans, for replenishment of stocks, which will adjust the number of transactions to the most economical level consistent with ordering frequencies which are required to comply with the economic order quantity principle (see § 101-27.102).

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

Effective date. This regulation is effective May 1, 1965, but may be observed earlier.

Dated: March 25, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65-3263; Filed, Mar. 30, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

INSECTICIDES, FUNGICIDES, AND RODENTICIDES

Pesticides (Economic Poisons) Containing Thallium Compounds Intended for Household Use

On September 12, 1964, there was published in the FEDERAL REGISTER (F.R. Doc. 64-9284) a notice of a proposed revision of Interpretation 22 under the Federal Insecticide, Fungicide, and Rodenticide Act with respect to pesticides (economic poisons) containing thallium compounds intended for household use. This revision was proposed because experience had shown that limitations imposed by Interpretation 22, which became fully effective on September 30, 1960, were not adequate to prevent injury to the public. Interested persons were given 30 days in which to submit written data, views, or arguments.

After consideration of all relevant matters presented by interested persons, it is now proposed that greater restrictions be placed on the household use of products containing thallium than were proposed in the above notice. Therefore, pursuant to the authority of § 362.3 of the regulations (9 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), consideration is being given to the further revision of Interpretation 22 with respect to pesticides (economic poisons) containing thallium compounds intended for household use to read as follows:

§ 362.120 Interpretation with respect to registration of thallium products for the control of insect and rodent pests in the household.

(a) Labels and other labeling accepted in connection with registration of thallium-containing products for household use must bear clearly and prominently a statement to the effect that the product is for use only by governmental personnel trained in the proper use and management of such products. This includes qualified personnel in Federal, State, or local governments. An example of acceptable wording of such a limiting statement is as follows:

For use by Government agencies only.

In addition to the above statement, the label must also bear clearly and prominently a warning against sale to the general public and the labeling must otherwise comply with the current requirements of the Act and regulations.

(b) All applications for registration shall include five copies of all labels, circulars, or other literature which may be associated with or accompany the product at any time. A statement of the full formula shall be included giving each ingredient (including those in the bait) by percent.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director, Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done this 25th day of March 1965.

JUSTUS C. WARD,
Director, Pesticides Regulation Division, Agricultural Research Service.

[F.R. Doc. 65-3251; Filed, Mar. 30, 1965; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 1131]

[Docket No. AO-271-A8]

MILK IN CENTRAL ARIZONA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Phoenix, Ariz., on January 7, 1965, pursuant to notice thereof issued on December 4, 1964 (29 F.R. 16866).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 10, 1965 (30 F.R. 3386; F.R. Doc. 65-2608) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 3386; F.R. Doc. 65-2608) are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under subheading 1. *Level of Class I price differential*, a new paragraph is added after the 12th paragraph.

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

1. Level of Class I price differential;
2. Supply-demand formula;
3. Takeout and payback plan;
4. Allocation of bulk receipts intended for manufacturing use; and
5. Conforming changes.

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

1. *Level of Class I price differential.* The Class I price provisions should be amended to provide a monthly Class I differential of $2.30 above the basic formula price in place of the present seasonally adjusted differential.

The order presently provides for a Class I differential of $2.10 for the period of March through June and $2.40 for all other months. The annual average of the differential is $2.30.

Two producer associations, United Dairymen of Arizona and Federated Producers Association representing most of the producers supplying the market, proposed a Class I differential of $2.40 above the basic formula for each month. This represents an increase of 10 cents per hundredweight in the annual level of the Class I differential. They maintain that at least this price level is necessary to maintain an adequate supply of milk for the market. The record, however, indicates that an annual average differential of $2.30 is sufficient to keep the market adequately supplied on a year-round basis, if the seasonal pattern of production is adjusted slightly.

During the 4-year period of 1961 through 1964 the Class I price exceeded the basic formula by $2.22, $2.33, $2.29 and $2.37, respectively. The average differential for the 4 years was $2.304. The amount by which the Class I price exceeded the basic formula varied at times because of changes in the stated differential and because of the action of the supply-demand adjustor. It ranged from a low of $2.03 to a high of $2.50. During the same period the annual average Class I utilization of producer milk equaled 80.6 percent.

With this annual average, Class I utilization in the months of short production will equal about 85 percent of producer receipts. In the months of flush production Class I utilization will fall a little below 75 percent of receipts. When Class I use does not exceed 85 percent of receipts in the months of short production, the available reserve is generally adequate to accommodate the day-to-day fluctuations in Class I requirements.

Disposal of the reserve supply does not become a problem as long as Class I utilization remains above 70 percent of receipts. Above this level of utilization, the manufacturing facilities in the market are capable of utilizing the reserve milk which is not needed in the production of cottage cheese and ice cream. This is reflected by the fact that during the immediately preceding 12-month period in which utilization of producer milk in Class I was approximately 79 percent, only minor quantities of milk were imported and very little producer milk was diverted to nonpool plants.

During the first 6 months of 1961 the Class I price averaged $2.30 over the basic formula. Producer receipts were 130 percent of Class I sales. Because the supply-demand norms in the order were based on an average annual utilization of 87 percent at that time, the Class I price dropped rapidly and during the last half of the year averaged only $2.12 over the basic formula. This resulted in a drop in production relative to sales which continued into 1962. The supply-demand adjustor affected the Class I price an average of less than one-half cent during the last 9 months of 1962.

In 1963, although Class I sales were 81.8 percent of producer receipts, the supply-demand adjustor reduced the Class I price in the fall months by as much as 8 cents per hundredweight. Supplies again shortened relative to sales and continued so for the first half of 1964. By amendment to the order July 1, 1964, the Class I differential was temporarily increased to $2.50 and the supply-demand adjustment was suspended for the months of July, August, and September. As a result, the Class I price for the last 6 months of 1964 averaged $2.45 over the basic price. Class I disposition was 79.6 percent of producer receipts.

From the foregoing, it appears that a Class I price of $2.30 over the basic formula price will result in an adequate but not excessive supply of milk. When the price has fallen much below this level the market has been in short supply, and at levels much in excess of that amount the supply has increased beyond the fluid requirements of the market.

Witnesses for the producer associations stated that the varying seasonal Class I differential now provided would tend to disrupt orderly marketing. It was their contention that the seasonal changes in the Class I price and the resulting fluctuation in resale prices would adversely affect the sale of fluid milk. It was their belief that a constant Class I differential for each month of the year would tend to stabilize consumer prices and thereby promote orderly marketing conditions in the Central Arizona marketing area.

The relevancy of these arguments under the statutory price standard is questionable. Nevertheless, it has been concluded in this decision that a uniform differential should be adopted instead of the present seasonally adjusted differential. The reasons therefor are discussed further in connection with the takeout and payback plan set forth below.

Handlers opposed any change in the annual level of the Class I differential. It was also their position that, if the differential were reestablished at $2.30 the year round, such change should not become effective until July 1, 1965. They stated that, since they had paid the higher seasonal differential in the fall and winter months, they should have the benefit of the lower differential in the spring months. It is equally true that if the Class I price is not increased until July, the Class I differential for the year will be somewhat less than the annual average of $2.30 determined to be necessary to bring forth an adequate supply of milk. It is concluded, therefore, that the amendments should become effective as soon as practicable.

Handlers in their exceptions reiterated their position that any change in the level of the Class I differential should not become effective prior to July 1, 1965. These exceptions are overruled for the reasons set forth above.

2. *Supply-demand formula*. The supply-demand adjustor should be revised.

The supply-demand adjustor in the present order is based on a comparison of receipts and sales during the second and third preceding months to a standard utilization percentage. As discussed below, this formula has demonstrated that production in the market responds to changes in the Class I price. However, it has not performed satisfactorily in that it has resulted in frequent short-term fluctuations in the Class I price. More importantly, it has generally acted contraseasonally in that it has resulted in sizable reductions in the Class I price during the late summer and fall months when the market has been in shortest supply and has had little or no effect on the Class I price during the months of flush production. This has tended to nullify the market's efforts to improve the seasonal production pattern.

In most markets the supply-demand adjustor should be geared to react promptly to any change in the supply or demand situation. This is accomplished through the use of short-term movers which will affect the Class I price in succeeding months whenever a change in the supply-demand relationship begins to develop.

Experience in this market, however, has shown that frequent wide but very short-term variations in either production or consumption can occur. In October and December 1964, for example, Class I sales were 2.7 and 6.1 percent greater respectively, than in the corresponding months of 1963, yet in November 1964, Class I sales were 3.5 percent less than in November 1963. Since these changes are frequently of very short duration, and it is impossible for the supply-demand adjustor to reflect changes during the current month, the price changes resulting from these temporary situations often occur after the condition has corrected itself, and sometimes when a trend in the opposite direction is developing.

There are several factors which distinguish the Central Arizona market from most other markets and which contribute to these sporadic changes in the supply-demand situation. The marketing area is a tourist and winter resort area. During the summer months there is a large transient tourist trade. In the winter months there is a large influx of visitors. The number of these visitors and the dates of their arrival and departure depend to a large extent on the length and severity of the winter in northern States. Thus, consumption of milk is affected by the weather in other parts of the country even more than by local weather conditions.

The size and nature of the producers supplying the market are other important factors. The average production per farm in 1964 exceeded 5,000 pounds per day. There are several producers whose production is in excess of one million pounds per month. The degrading of even one of the latter producers for a month could affect the present supply-demand adjustor by as much as two percentage points, in succeeding months.

Many of these producers purchase all of the hay and grain fed to their cows. Many also raise none of their replacement cows, but purchase additional cows as the need arises. As a result changes in the price of hay and feeds, or in the value of beef relative to milk cows can affect production in this market more quickly and to a greater extent than in the average fluid market.

Another peculiarity of this market is the high concentration of producers in Maricopa County. More than 85 percent of the producers are located in this county, most of them within a 20-mile radius of Phoenix. As a result very localized conditions occurring in this county can have a very pronounced effect on the total production for the market.

In a market such as this where wide short-term changes in production or sales can occur, the supply-demand adjustor should not affect the Class I price because of a 1-month aberration in either production or sales. In order to minimize the effects of these sporadic changes in production or consumption, the supply-demand utilization percentages should be computed on a longer base period. This will minimize the erratic price movements which have occurred under the present formula, but will continue to reflect any long-term trends which develop.

It is concluded that a new supply-demand adjustor be adopted which would be calculated by:

(1) Basing the ratio of Class I utilization to receipts from producers on a 12-month average utilization ending with the second preceding month and adjusting this average based on a comparison with a similar percentage for the 12-month period ending with the fourth preceding month; and

(2) Making an adjustment to the Class I price when the supply-demand relationship deviates from 83–78 percent. A ratio greater than 83 percent would increase the Class I price and one less than 78 would decrease it.

Producer cooperatives proposed a formula which would use the utilization in the immediately preceding month and a moving average of the 12-month period ending with the preceding month with double weight given to the 1-month period in arriving at the current utilization percentage. This would be compared with a standard or norm of 82–78 and the Class I price adjusted if the current utilization was outside this range. The price would be increased 2 cents for each percentage over 82 and decreased 2 cents for each percentage under 78, except that no adjustment less than 6 cents would be effective.

Handlers made no specific proposals regarding a supply-demand formula. They did, however, testify that if an amended formula resulted in an increase in the Class I price then the Class I differential should be decreased by the same amount.

Producer representatives urged the adoption of their formula on the basis that it would avoid the contraseasonal price changes which have occurred under the present formula and also more nearly reflect the actual supply-demand conditions in the market. They pointed out that there has never been an increase in the Class I price through a supply-demand adjustment, although the Class I utilization has been as high as 89 percent.

The emphasis which this plan would place on the single month's utilization would intensify rather than minimize the effects of short time changes in supply or demand and could lead to an extremely erratic pricing pattern.

The supply-demand adjustor is currently based on the ratio of producer receipts to Class I sales in the second and third preceding months. The norms vary monthly but are predicated on an annual average production equal to 119 percent of Class I disposition. The Class I price is adjusted whenever production varies by more than 3.5 percent from this norm. Stated in reciprocal terms the present factor is based on a Class I utilization equal to 84 percent of producer receipts.

During the period of 1961 through 1964 the annual Class I utilization of producer milk was 78.8 percent in 1961, 83 percent in 1962, 81.8 percent in 1963 and 78.7 percent in 1964. The average for the entire period was 80.6 percent.

It has previously been concluded in this decision that the Class I differential should be $2.30 over the basic formula price. This has been the average differential for the past 4 years and it has resulted in an adequate but not excessive supply of milk. The present supply-demand norms are based on an 84 percent utilization. In order to maintain the effective Class I differential of $2.30, it is necessary either to fix the stated differential higher than $2.30 to offset the effects of the minus supply-demand adjustment, or to revise the supply-demand norms to reflect the 80.6 percent average which has prevailed in recent years.

It is more appropriate to fix the supply-demand norms at a level which represents the actual experience of the market, than to increase the stated Class I differential and then reduce the Class I price as the result of a supply-demand formula based on high utilization. Therefore, a standard utilization norm of 80.5 percent is provided. To provide for some fluctuation in supply and demand, a range of 2.5 percentage points on either side is established to prevent random price changes. Thus, the Class I price would be increased whenever the Class I utilization ratio exceeds 83 percent, and would be decreased whenever the utilization ratio drops below 78 percent.

Had the supply-demand formula and Class I differential provided herein been in effect for the 4-year period of 1961 through 1964 the average effective differential would have been $2.305. As stated previously, the actual average differential for this period was $2.304. Thus the lower norms, together with the flat $2.30 Class I differential, will reflect recent experience in the market while eliminating the objectionable contraseasonal price adjustments which have occurred.

A utilization ratio based on a 12-month moving average will reduce the influence of any aberrant monthly changes in the supply-demand relationship. However, consideration must also be given to more current changes in supply-demand relationships. The formula proposed herein which compares the utilization percentage for the 12-month period ending with the second preceding month and the same ratio for the 12 months ending with the fourth preceding month will make the utilization ratio more responsive to current conditions than a single 12-month moving average.

This is accomplished by adding to or subtracting from the percentage for the 12-month period ending with the second preceding month the amount by which it is greater or less than, respectively, the percentage for the period ending with the fourth preceding month. The adjustor will thereby reflect current market conditions to a limited extent while at the same time reducing the possibility of contraseasonal price adjustments.

There should be no price adjustment when the utilization ratio is on or between 83–78 percent. As stated previously in this decision, the average annual Class I utilization of producer milk was 80.6 percent for the period of 1961 through 1964. The Class I price differential should be adjusted only as a result of significant changes from this relationship. The range provided will prevent random price changes which might otherwise be possible. When the utilization percentage exceeds these limits it will reflect a real change in the supply-demand situation.

Since the formula provided herein will reflect changes in the supply-demand relationship at a relatively slow rate, a meaningful price adjustment should occur when the utilization norms are exceeded. Changes in the Class I price of 2 to 4 cents could result in very little change in the supply of producer milk. Therefore, the Class I price should be increased 6 cents per hundredweight when the utilization percentage is 84, plus 3 cents for each additional percentage over 84. The price should be decreased at the same rate when the utilization percentage is 77 or below. Adjustment at this rate should attract producer milk when it is needed but discourage the buildup of excessive supplies.

The maximum plus or minus supply-demand adjustment should be maintained at the present limit of 50 cents. Producers proposed that the adjustment be limited to 25 cents.

In light of the proposed supply-demand adjustor which is less sensitive than that now provided, it would not be appropriate to further limit the effectiveness of any resulting price changes. Any persistent adjustment approaching the present limit would indicate a need for consideration of changing the level of the Class I price differential through the hearing process.

It is concluded that the supply-demand adjustment formula recommended herein, in conjunction with the other changes proposed in this decision, will provide an appropriate basis for adjustments of the Class I price in this market as supply and demand conditions change.

3. *Takeout and payback plan.* The order should provide for a takeout and payback incentive payment plan for distributing payments to producers. This plan would lower the uniform producer price 15 cents per hundredweight in each of the months of April, May, and June, and 30 percent of the total amount withheld would be added back to the pool in August and October and 40 percent in September. The order presently provides seasonal pricing to producers through a variation in the Class I differential.

Although the producer cooperatives proposed a flat differential the year round, they recognized the need for some seasonal variation in prices to producers in order to encourage a more uniform seasonal pattern of production. They proposed that this be accomplished by a takeout and payback plan whereby 7 cents per hundredweight would be deducted from the uniform price to producers in each of the months of December through June. The amount withheld would be paid back in the months of August, September, and October, with 40 percent added to the pool in September and 30 percent in August and October.

The takeout and payback plan provided herein will provide greater seasonality in prices to producers than will the present seasonally adjusted differential and consequently will result in a better seasonal pattern of production in the market. The present seasonal pricing results in lower uniform prices during the months of March, April, May, and June, but provides approximately the same uniform prices during the remaining 8 months of the year. The takeout and payback plan provided herein will result in a lower uniform price to producers during the months of April, May, and June. These are the 3 consecutive months when supplies are greatest relative to sales. The 15-cent reduction during this period will return to producers approximately the same uniform price that they would have received under the seasonal pricing in the present order. However, for the payback period of August, September, and October the blend price will exceed the blend price which would have been applicable with the Class I differential of $2.40. These are the months of lowest production in the Central Arizona market. It is in these months that the greatest incentive is needed for producers to increase their production. During the months of July and November through March, the uniform price to producers under the takeout and payback plan will be slightly less than it would have been with the seasonally adjusted Class I differentials. However, production generally has been adequate in these months and there is not the same need to influence supplies by permanent adjustment of either the uniform price or the Class I differential. Thus, the pattern of uniform prices throughout the year under the takeout and payback plan should encourage production more in line with the needs of the market than would the seasonally adjusted Class I differential.

In this connection the slightly higher payback in September is needed to provide additional encouragement to production to meet the increased requirements for milk which occurs with the opening of schools.

Although the producers proposed that the deduction be made during the months of December through March, statistics for the market clearly indicate that producer returns should not be reduced during the December through March period. Class I utilization has averaged close to 85 percent of receipts during these months. As stated previously this market is in short supply when more than 85 percent of the producer milk is utilized in Class I. Therefore, production should not be discouraged during these months in which producer receipts are barely adequate to satisfy consumer demands.

Since it has been concluded that the takeout period should be limited to 3 months rather than the 7 months proposed by producers, it is necessary that 15 cents per hundredweight be deducted from the uniform price in each of the months of April, May, and June. This rate will provide an amount to be added back to the pool funds in the August through October period sufficient to provide the incentive needed to bring forth the supplies required in these months. This rate of deduction should also reduce the trend toward excessive supplies during April, May, and June.

During 1964 the average uniform price in the market for the period of April–June was $4.79 and for the period of August–October, $5.14. If the seasonal differential of $2.10–$2.40 had been effective the average blend prices for these periods would have been $4.64 and $5.06. Under the plan recommended herein the average blend prices to producers would have been $4.64 and $5.14 for the respective periods. Thus, this plan will result in greater seasonal variation in producer returns than would be accomplished by the present seasonal changes in the Class I differential.

It was proposed by the producers' associations that the market administrator be directed to invest the funds withheld for the seasonal incentive plan in Government securities so that they would accrue some interest which would also be returned to producers at the time for the payback. Under the Department regulations the market administrator has specific instructions as to how moneys held in the trust funds created under the order may be invested and in what depositories they may be held. Therefore, it is unnecessary to provide specific provisions in the order regarding the use of the funds in his custody under the takeout and payback plan.

4. *Allocation of bulk receipts intended for manufacturing use.* The allocation provisions should be amended for the purpose of clarifying the classification to be accorded receipts of fluid milk for manufacturing use from other order plants and unregulated supply plants.

The present order provisions seem to imply that the receiving handler and the transferor could agree to a Class II classification of such receipts even though the receiving plant had ample use in Class III to cover such receipts. This could result in milk for manufacturing from unregulated plants being assigned Class II utilization while producer milk was being classified as Class III in the same plant. It would likewise permit the surplus milk of other order markets to be assigned to Class II while producer milk was being assigned to Class III.

Surplus from the Rio Grande market has on occasion been shipped to Central Arizona pool plants for use in manufactured dairy products. To permit such milk to be allocated to Class II in the Central Arizona market would benefit the producers in neither market. There are only two classes of utilization in the Rio Grande market. The Class II use contains the products classified as both Class II and Class III under the Central Arizona order. The Class II price, however, is equivalent to the Class III price under the Central Arizona order. Whether such milk was allocated to Class II or Class III under the Central Arizona order, it would be classified as Class II in the Rio Grande market and producers there would receive the equivalent of the Central Arizona Class III price. Thus, the difference between the Class II and Class III prices would represent a windfall to the Central Arizona handlers if surplus milk from the Rio Grande market were allocated to Class II.

The order, therefore, should be amended to make it clear that milk imported by agreement for use in manufactured dairy products should be allocated to Class III use in the receiving plant. It should be assigned to Class II only to the extent that there is insufficient Class III utilization in the receiving plant to cover the volume of milk received.

5. *Conforming changes.* The amendments required to carry out the conclusions regarding the takeout and payback plan require changes in the provisions regarding payments on nonpool milk. These are changes in terminology and will not alter the obligation of any handler.

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

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

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

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

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

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

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

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

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

Signed at Washington, D.C., on March 26, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area*

§ 1131.0 **Findings and determinations.**

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona 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:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 10, 1965, and published in the FEDERAL REGISTER on March 13, 1965 (30 F.R. 3386; F.R. Doc. 65-2608), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. In § 1131.46, paragraphs (a)(4)(i)(*a*) and (ii) are revised to read as follows:

§ 1131.46 **Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(4) * * *

(i) * * *

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

* * * * *

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III utilization is requested by the handler and the operator of the transferor plant requests the lowest class utilization under the other order;

* * * * *

2. In § 1131.51, paragraph (a) is revised to read as follows:

§ 1131.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) For each month calculate a utilization ratio as follows:

(i) For the 12-month period ending with the second preceding month divide the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) by the total receipts of producer milk and multiply by 100;

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than the comparable utilization percentage calculated using the 12-month period ending with the fourth preceding month. The result, rounded to the nearest whole percentage, shall be the utilization ratio;

(2) If the utilization ratio equals 84 or more the Class I price shall be increased, and if the utilization ratio equals 77 or less the Class I price shall be decreased, by 6 cents plus an additional 3 cents for each full percentage point by which the utilization ratio exceeds 84, or is less than 76, respectively.

* * * * *

§ 1131.62 **[Amended]**

3. In § 1131.62(a) (1)(i) and (b)(4) the term "uniform price" is changed to "weighted average price".

4. In § 1131.71, paragraph (f) is revised and new paragraphs (g), (h), (i), (j), and (k) are added to read as follows:

§ 1131.71 **Computation of uniform prices.**

* * * * *

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May and June, an amount computed by multiplying the total hundredweight of producer milk for such month by 15 cents;

(i) Add during each of the months of August and October 30 percent, and during September 40 percent of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1131.73 **[Amended]**

4. In § 1131.73(b) the term "uniform price" is changed to "weighted average price".

§ 1131.82 **[Amended]**

5. In § 1131.82(b)(2) the term "uniform price" is changed to "weighted average price".

[F.R. Doc. 65-3308; Filed, Mar. 30, 1965; 8:51 a.m.]

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141c, 148n]

TETRACYCLINE HYDROCHLORIDE; OXYTETRACYCLINE

Proposal To Amend Pyrogen Tests

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner of Food and Drugs proposes that the regulations for antibiotic and antibiotic containing drugs (21 CFR 141c.218, 141c.235, 148n.1, 148n.5) be amended to provide for a change in the pyrogen tests for the subject drugs, as follows:

1. It is proposed to amend § 141c.218 (c) to read as follows:

§ 141c.218 **Tetracycline hydrochloride.**

* * * * *

(c) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of tetracycline hydrochloride per milliliter in sterile, pyrogen-free distilled water.

* * * * *

2. It is proposed to amend §141c.235 (d) to read as follows:

§ 141c.235 Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection.

* * * * *

(d) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of tetracycline hydrochloride and 2.5 milligrams of oleandomycin phosphate per milliliter of sterile, pyrogen-free distilled water.

* * * * *

3. It is proposed to amend § 148n.1(b) (4) to read as follows:

§ 148n.1 Oxytetracycline.

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of oxytetracycline per milliliter, prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1*N* hydrochloric acid and diluting with the required amount of sterile pyrogen-free distilled water.

* * * * *

4. It is proposed to amend § 148n.5(b) (4) to read as follows:

§ 148n.5 Oxytetracycline intramuscular solution.

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of oxytetracycline per milliliter in sterile, pyrogen-free distilled water.

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 25, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-3300; Filed, Mar. 30, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Docket No. 6545; Notice 65-8]

[Technical Standard Order C-87]

AIRBORNE LOW-RANGE RADIO ALTIMETER EQUIPMENT

Notice of Proposed Rule Making

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 37 of the Federal Aviation Regulations by adding a new Technical Standard Order (TSO) for Airborne Low-Range Radio Altimeter Equipment. This TSO contains the minimum performance standards which such equipment must meet in order for the manufacturer to identify it with the applicable TSO marking.

Radio altimeters are being designed and developed at the present time and various operators have expressed an interest in such equipment. Therefore, the Agency considers it appropriate to provide a basis for the TSO-approval of these altimeters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 15, 1965, 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.

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation Regulations by adding a new § 37.193 to read as follows:

§ 37.193 Airborne Low-Range Radio Altimeters—TSO C-87.

(a) *Applicability.* This Technical Standard Order prescribes the minimum performance standards which airborne low-range radio altimeter equipment must meet in order to be identified with the applicable TSO marking. New models of the equipment which are to be so identified and which are manufactured on or after the effective date of this section must meet the requirements set forth in the Federal Aviation Agency standard entitled "Minimum Performance Standards for Airborne Low-Range Radio Altimeters" dated August 4, 1964.[1]

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental procedures outlined in the FAA document "Environmental Test Procedures for Airborne Electronic Equipment" which have categories established. These must be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories designated in the FAA document. Reading from left to right, the category designations must appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-altitude category;
(ii) Vibration category;
(iii) Audio-frequency magnetic field susceptibility category;
(iv) Radio-frequency susceptibility category;
(v) Emission of spurious radio-frequency energy category; and
(vi) Explosion category.

(2) A typical nameplate identification might be as follows:

Env. Cat. DBAAAX

(3) In some cases, such as under the Temperature-Altitude Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate must be marked with both categories in the space designated for that category by placing one letter above the other in the following manner:

Env. Cat. ABAAAX
D

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne low-range radio altimeter models approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354, 1421).

Issued in Washington, D.C., on March 25, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-3252; Filed, Mar. 30, 1965; 8:46 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Division, Distribution Section; HQ-436, Federal Aviation Agency, Washington, D.C., 20553.

[14 CFR Part 71]

[Airspace Docket No. 65-CE-3]

CONTROL ZONE AND TRANSITION AREA

Designation; Supplemental Notice of Proposed Rule Making

On February 9, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1816) stating that the Federal Aviation Agency proposed to designate controlled airspace in the McCook, Nebr., terminal area. Subsequent to this publication, it has been determined that the procedure turn for the TerVOR (Special Approach Procedure) to Runway 12 at McCook Municipal Airport will be changed. The procedure turn would be conducted on the northeast side of the final approach course rather than the southwest side. Also, the minimum altitude for the procedure turns for the TerVOR (Special Approach Procedure) approach procedures serving Runway 12 and Runway 30 will be lowered to an altitude which will permit straight in approach minimums. Therefore, to provide controlled airspace for these revisions, the Federal Aviation Agency proposes to make the following amendment to the above cited notice of proposed rule making.

The designation of the McCook, Nebr., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the McCook, Nebr., Municipal Airport (latitude 40°12'26" N., longitude 100°35'20" W.); and within 8 miles NE and 5 miles SW of the McCook VOR 129° radial extending from the 7-mile radius area to 13 miles SE of the VOR; and within 8 miles NE and 5 miles SW of the McCook VOR 309° radial extending from the 7-mile radius area to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line from the McCook VOR to the Hays Center, Nebr., VORTAC, extending from the McCook VOR to the Hays Center VORTAC.

Interested persons may submit written data, views or arguments in the manner recited in the initial notice. All communications concerning the initial notice, as amended by this supplemental notice, received within 45 days after the publication of this supplemental notice will be considered.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on March 23, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-3253; Filed, Mar. 30, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-26]

TRANSITION AREAS, CONTROL ZONE, AND CONTROL AREA EXTENSION

Proposed Designation, Alteration, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Des Moines, Iowa, and Newton, Iowa, terminal areas.

The following controlled airspace is presently designated in the vicinity of Des Moines, Iowa:

(1) The Des Moines, Iowa, control zone is designated as that airspace within a 5-mile radius of Des Moines Municipal Airport; within 2 miles either side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone to 12 miles SE and NW of the localizer, and within 2 miles either side of the Des Moines VORTAC 176° and 356° radials extending from the 5-mile radius zone to 10 miles S of the VORTAC.

(2) The Des Moines, Iowa, control area extension is designated as that airspace within a 25-mile radius of the Des Moines VORTAC; within 12 miles W and 8 miles E of the Des Moines VORTAC 196° radial extending from the 25-mile radius area to 39 miles S of the VORTAC; within 12 miles N and 8 miles S of the Des Moines VORTAC 261° radial extending from the 25-mile radius area to 37 miles W of the VORTAC; including the airspace E of the Des Moines bounded on the NE by V-172, on the E and S by V-294 and on the NW by V-161.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Des Moines, Iowa, and Newton, Iowa, terminal areas, including studies attendant to the implementation of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposes the following airspace actions:

(1) Alter the Des Moines, Iowa, control zone by redesignating it as that airspace within a 5-mile radius of the Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'28" W.), within 2 miles each side of the Des Moines VORTAC 356° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone SE to the LOM and NW to 6 miles NW of the NW end of the Des Moines Municipal Airport Runway 12.

(2) Designate a transition area at Des Moines, Iowa, to comprise that airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'28" W.); and that airspace extending upward from 1,200 feet above the surface beginning NE of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence W along latitude 42°00'00" N. to and S along longitude 94°00'00" W., to and W along the S edge of V-172, to and S along longitude 94°42'00" W., to and E along the N edge of V-6, to longitude 94°25'00" W., thence SE to latitude 40°56'30" N., longitude 93°54'00" W., thence E to latitude 41°10'00" N., longitude 92°53'00" W., thence N to the point of beginning.

(3) Designate a transition area at Newton, Iowa, to comprise that airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

(4) Revoke the Des Moines, Iowa, control area extension in its entirety.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed Des Moines control zone is required to contain aircraft executing departures and missed approach procedures until reaching an altitude of 700 feet above the surface. The extensions are required to contain the final approach phase of civil and military approaches when descending below an altitude of 1,000 feet above the surface. The transition area extending upward from 700 feet above the surface will provide controlled airspace for departures to climb from 700 feet to 1,500 feet above the surface, protect the procedure turn and final approach areas of the AL-117-ADF-1 procedure, final approach of the AL-117-ILS-RWY 30, JAL-117-VOR/ILS RWY 30, and JAL-117-TACAN/ILS RWY 30, radar approaches to Runways 12, 30, and 5, in addition to providing random radar vector areas for arrivals and departures.

The transition area extending upward from 1,200 feet above the surface will protect transitioning, holding, and random vectoring by both Des Moines approach control and Kansas City Air Route Traffic Control Center. The Newton, Iowa, transition area, which is complimented by the Des Moines transition area, will provide adequate controlled airspace for transitioning to and from the Newton Airport when operating above an altitude of 700 feet above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 23, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-3254; Filed, Mar. 30, 1965; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-47]

FEDERAL AIRWAYS AND REPORTING POINT

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 1, 6, 31, 34, 36, 106, 116, 126, 146, 153, 157, 164, 273, 433, 445, 467, 487, 489, and 802, and designate the Kingston, N.Y., low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention:

Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the officer of the Regional Air Traffic Division Chief.

The Federal Aviation Agency is considering the following airspace actions:

1. Revocation of the V-1 segment from the Kennedy, N.Y., VOR to Poughkeepsie, N.Y. The portion of this airway segment from the Kennedy VOR to the Carmel, N.Y., VOR is no longer required for air traffic control purposes since current terminal procedures no longer utilize this airway segment. The portion of V-1 between Carmel and Poughkeepsie would be replaced by the extension of V-487 proposed herein.

2. Realignment of the common airway segments of V-6/802 between Selinsgrove, Pa., and Allentown, Pa., via the intersection of the Selinsgrove VOR 087° and the Allentown VOR 283° True radials. This realignment would provide 15° angular separation with V-30 at the Selinsgrove VOR and would provide a common intersection at the centerline of the realigned segment of V-164 proposed herein. The en route mileage of this segment of V-6/802 would be increased by approximately one nautical mile.

3. Revocation of the V-6 segment from the intersection of the Solberg, N.J., VOR 094° and the Kennedy VOR 258° True radials; to Kennedy. This airway segment is no longer required for air traffic control purposes. In addition, the latest FAA IFR peak day airway traffic survey showed no aircraft movements on this segment of V-6.

4. Revocation of the V-31 west alternate segment from Selinsgrove to Elmira, N.Y. The FAA's latest peak day airway traffic survey showed three aircraft movements on this airway segment. Therefore, it appears that the retention of this airway segment is no longer justified as an assignment of airspace.

5. Realignment of the V-34 segment from Hancock, N.Y., direct to Carmel, N.Y. This direct alignment would reduce the en route mileage by approximately two nautical miles.

6. Revocation of the V-36 segment from Sparta, N.Y., to Riverhead, N.Y. This airway segment is no longer required by air traffic control for airway continuity between those two points since the current terminal routing procedures no longer use this airway segment.

7. Realignment of the V-106 segment from Selinsgrove to Thornhurst, Pa., via the intersection of the Selinsgrove VOR 067° and the Thornhurst VOR 237° True radials. This realignment would provide a common intersection at the centerlines of V-232 and realigned V-164 east of the Milton, Pa., VOR.

8. Realignment of the V-116 segment from Sparta via the intersection of the Sparta VOR 108° and the La Guardia VOR 338° True radials; to La Guardia. This realignment provides a designated airway that would coincide with La Guardia Airport westbound departure procedures.

9. Realignment of the V-126 segment from Huguenot, N.Y., via the intersection of the Huguenot, N.Y., VOR 102° and the Carmel VOR 274° True radials (Peekskill Intersection) Carmel; to the intersection of the Carmel VOR 093° and the Norwich, Conn., VOR 227° True radials (Saybrook Intersection). This realignment would provide an airway to the Peekskill feeder-fix for traffic destined for the Westchester County Airport, and provide airway continuity for en route traffic destined to the Bridgeport and New Haven, Conn., airports. The segment between Carmel and the Saybrook Intersection would replace the segment of V-433 proposed herein for realignment.

10. Revocation of the V-146 segment from Wilkes-Barre, Pa., to Poughkeepsie. En route traffic between Wilkes-Barre and Poughkeepsie is routed direct via V-106. This segment of V-146 is a common airway with segments of V-126 between Wilkes-Barre and Huguenot and V-39 between the Newburgh Intersection and Poughkeepsie. The portion of V-146 between Huguenot and the Newburgh, N.Y., Intersection is no longer required for air traffic control.

11. Revocation of the V-153 segment from the Budd Lake, N.J., Intersection to Madison, Conn. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on the portion between Budd Lake Intersection and La Guardia. The portion of the segment of V-153 between La Guardia and Madison would be replaced by realigned V-467 proposed herein.

12. Revocation of the V-157 segment from La Guardia to the intersection of the La Guardia VOR 034° and the Hartford, Conn., VOR 245° True radials. This segment of V-157 would be renumbered as a segment of V-445.

13. Realignment of the V-164 segment from Williamsport, Pa., via the intersection of the Williamsport VOR 129° and the East Texas, Pa., VOR 315° True radials; to East Texas. This realignment would provide for a common intersection at the centerlines of V-232 and V-106 east of the Milton VOR.

14. Realignment of the V-273 segment from Hancock, N.Y., via Stillwater, N.J.; to the intersection of the Stillwater VOR 110° and the Sparta VOR 194° True radials (Budd Lake, N.J., Intersection). This realignment would provide an inbound airway for en route traffic overflying the Hancock and Stillwater VORs to the Budd Lake Intersection which serves as a feeder-fix for aircraft destined to land at the Newark, N.J., airport.

15. Realignment of the V-433 segment from La Guardia via the intersection of the La Guardia VOR 059° and the Carmel VOR 127° True radials (Sound Intersection); Bridgeport, Conn.; to the intersection of the Bridgeport VOR 005° and the Hartford VOR 279° True radials. This realignment would provide an airway for routing en route traffic from La Guardia to the Waterbury feeder-fix destined to land at the Bradley, Conn., airport.

16. Realignment of the V-445 segment from La Guardia to the intersection of the La Guardia VOR 034° and the Hartford VOR 245° True radials. This realignment would provide a replacement airway for the portion of the segment of V-157 proposed herein for revocation. The present segment of V-445 between La Guardia and Kingston is no longer required for air traffic control purposes. In addition, the latest FAA IFR peak day airway traffic survey showed no aircraft movements on V-445 between La Guardia and Kingston.

17. Realignment of the V-467 segment from La Guardia to Madison, Conn. This realignment would replace the portion of the segment of V-153 between La Guardia and Madison. The current segment of V-467, between La Guardia and Huguenot, is no longer required for air traffic control purposes. In addition, the latest FAA IFR peak day airway traffic survey showed only one aircraft movement on V-467 between La Guardia and Huguenot.

18. Extension of V-487 from Poughkeepsie via Carmel to the intersection of the Carmel VOR 188° and the La Guardia VOR 034° True radials. This airway extension would replace the segment of V-1 between Carmel and Poughkeepsie, proposed herein for revocation. It would also provide an airway to the Stamford, Conn., feeder-fix serving the La Guardia Airport from the north.

19. Realignment of the V-489 segment from Kingston via Sparta; to the intersection of the Sparta VOR 194° and the Stillwater VOR 110° True radials (Budd Lake Intersection). This realignment would provide an airway for inbound air traffic overflying Poughkeepsie and Kingston to the Budd Lake feeder-fix and destined to land at the Newark airport.

20. Designate the Kingston, N.Y., VOR as a domestic low altitude reporting point.

The above proposed airspace actions are designed to improve the airway route structure and to facilitate the movement of arrival and departure instrument air traffic within the New York Metropolitan terminal area through the utilization of revised routing procedures which have been adopted for this terminal area. In addition, the proposed airspace actions would improve the overall traffic handling in the area by providing additional airspace for processing departure traffic and to provide common intersection points, where feasible, so that air traffic control separation standards could be applied more readily to crossing air traffic at the airway junctions and to eliminate multiple crossing points.

These amendments are proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-3255; Filed, Mar. 30, 1965; 8:47 a.m.]

Notices

POST OFFICE DEPARTMENT

CHIEF, CONTRACT BRANCH, PROCUREMENT DIVISION, BUREAU OF FACILITIES, ET AL.

Delegations of Authority

The following is the text of Order No. P-65-50 by the Director, Procurement Division, Bureau of Facilities, dated March 3, 1965:

ORDER No. P-65-50

I do hereby redelegate to the Chief, Contract Branch, the authority to sign in his own name:

(a) All Procurement Division contracts and purchase orders, except those drawn for accountable paper, stamps and stamped paper (as defined in section 421.1, Postal Manual), negotiated contracts as provided for in Assistant Postmaster General, Bureau of Facilities, Order No. 215 dated January 29, 1962, and except for those assigned to other Branches.

(b) Amendments or revisions to contract and purchase orders authorized in paragraph (a) of this Order.

(c) General correspondence including that to postmasters and Regional Directors and official documents in connection with the administration of contracts and purchase orders authorized in paragraphs (a) and (b) of this Order and in connection with other functions and activities of the Contract Branch, except when addressed to other organizational components of the Post Office Department involving other than normal routine matters. The above delegation is subject to the following provisions:

(1) All procurement actions must be submitted for review of the Chief Procurement Officer of the Post Office Department before signature when such procurement actions individually exceed or are expected to exceed $50,000.

(2) All initial procurements of equipment which have been adopted as standard, regardless of purchase amount, must be submitted for review of the Chief Procurement Officer of the Post Office Department before signature.

I do hereby redelegate to the Assistant Chief of the Contract Branch and Head of the Compliance and Review Section the authority to sign contracts, purchase orders and all other contractual correspondence and documentation as outlined above, subject to the same limitations and except that all procurement actions individually in excess of $40,000, and changes and price adjustments to existing contracts in excess of or expected to exceed $20,000, must be submitted for the review of the Chief, Contract Branch.

In the absence of the Chief, Contract Branch, the Assistant Chief has the full authority delegated above to the Chief, Contract Branch.

In the absence of the Chief, Contract Branch, and the Assistant Chief and Head of the Compliance and Review Section, the same authority is delegated to the Head, Inspection and Acceptance Section, as is delegated above to the Chief, Contract Branch, except that changes and price adjustments to existing contracts in excess of or expected to exceed $10,000 must be approved by the Office of the General Counsel.

Contract Administrators of the Compliance and Review Section, Contract Branch, authorized to serve as Contracting Officer are hereby delegated authority to sign directed changes and contract amendments under the authority of the Changes Article to the extent that such changes do not exceed or are not expected to exceed $10,000.

The Chief, Contract Branch, is hereby delegated authority to further redelegate authority to sign general correspondence and other official documents not involving the obligation of funds.

This Order is effective immediately and cancels Order No. P-64-35 dated March 10, 1964 (29 F.R. 4108).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-3241; Filed, Mar. 30, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-B-32]

MOTOR VESSEL G. H. McNEAL, INC.

Notice of Hearing

Motor Vessel G. H. McNeal, Incorporated, Kilmarnock, Va., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 130 foot over-all aluminum vessel to engage in the fishery for menhaden and other herring-like fish.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on April 29, 1965, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

MARCH 25, 1965.

[F.R. Doc. 65-3242; Filed, Mar. 30, 1965; 8:45 a.m.]

Bureau of Land Management

CALIFORNIA

Redelegation of Authority to Certain Officials

MARCH 22, 1965.

Authority to enter into certain contracts and leases delegated to the State Director by Bureau Order No. 698, as amended, is redelegated subject to the following conditions:

1. *Redelegation.* Pursuant to the authority contained in section 2(a) of Bureau Order No. 698, as amended, the classes of employees listed below are authorized to enter into contracts for construction, supplies (including rental of equipment) or services in amounts not to exceed $2,000 as provided in 205 DM 11.1 A & B.

District Managers.
Land Office Managers.
Chief, Division of Administration.
District Administrative Assistants.

2. *Exceptions.* The $2,000 limitation does not apply for the above designated employees for supplies or services obtained from mandatory or prescribed contract sources of supply or from other Federal or State agencies when covered by an existing cooperative agreement or memorandum of understanding.

3. *Limitations or Restrictions.* A. Requisitions for all capitalized personal property, except GSA stores stock available under FSN Class 6675, must be reviewed and approved by the State Office.

B. Order-Invoice-Voucher, Standard Form 44: Purchase through use of Standard Form 44 in accordance with BLM Manual 1510-3.6 and FPR 1-3.605, in the amounts not to exceed $100, may be authorized to all field employees by their respective District or Land Office Manager or the State Director. The authorization shall be redelegated in writing by name designation and its use restricted to need when away from headquarters. The designated employee, State Office and the servicing Field Administrative Office shall be furnished with a copy of all such redelegations.

C. Contracts or other procurements entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

D. All redelegated authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed in the General Services Administration.

NEAL D. NELSON,
State Director.

[F.R. Doc. 65-3243; Filed, Mar. 30, 1965; 8:45 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF OUTDOOR RECREATION

Delegation of Authority

The delegation of authority to the Director of Bureau of Outdoor Recreation published in the FEDERAL REGISTER (29 F.R. 13406) is amended by the addition of two paragraphs 248 DM 1.1E and 248 DM 1.2A(5). The amended delegation is set forth below.

The material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 248—BUREAU OF OUTDOOR RECREATION

CHAPTER 1—FEDERAL REGISTER DOCUMENTS

248.1.1 *Delegation of authority.* The Director, Bureau of Outdoor Recreation, is authorized, except as provided in 200 DM 2.1, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management and operations of the Bureau of Outdoor Recreation:

A. By promoting the coordination and development of effective programs relating to outdoor recreation pursuant to the Act of May 28, 1963 (77 Stat. 49);

B. By conducting generalized investigations of the public recreational potentialities of lands and waters contained in the Colorado River Storage project and participating projects and making determinations as to the final disposition of recreation lands in the project (Sec. 8 of the Act of April 11, 1956 (43 U.S.C. 620g));

C. By disposal of Federal surplus real property to States and political subdivisions thereof for park, recreation, and historic monument purposes. (Sec. 203 of Federal Property and Administrative Services Act as amended (40 U.S.C. 484));

D. By cooperating with the Housing and Home Finance Administrator in making Federal grants for the acquisition of open-space land (Title VII, sec. 702(e) of the Housing Act of 1961 (75 Stat. 184));

E. By exercising the authorities assigned to the Secretary and implementing the procedures specified in Executive Order 11200 (30 F.R. 2645) which covers the Federal aspects of the Land and Water Conservation Act of 1965, P.L. 88-578;

F. By performing those responsibilities and carrying out the authorities of the Secretary which are contained in Title 1, section 5, Public Law 88-578, Land and Water Conservation Fund Act of 1965 (78 Stat. 900); except as provided in Paragraph 2A(6) below.

248.1.2 *Limitations.* A. The following authority is not delegated in the general authority listed in 248 DM 1.1:

(1) Any action not within the general policies, procedures and regulations established by the Secretary.

(2) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(3) The planning of areas administered by the National Park Service, or proposals endorsed by the Secretary for areas to be administered by such service.

(4) Detailed site surveys and development of recreation areas under the jurisdiction of this Department.

(5) Designating specific areas at which fees shall be charged as indicated in section 1(b) and section 2(b) of Executive Order 11200; responsibility for posting such areas, in accordance with section 4 of the aforementioned order; and establishment of fees under section 5(a) of the same order.

(6) Making final apportionments of Land and Water Conservation Funds to the individual States as required by the factors and formulas specified by the Land and Water Conservation Fund Act of 1965.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

MARCH 24, 1965.

[F.R. Doc. 65-3244; Filed, Mar. 30, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-228]

AEROJET-GENERAL NUCLEONICS

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue to Aerojet-General Nucleonics (hereinafter "the applicant") a construction permit, substantially in the form set forth below, which would authorize the construction of a pool-type nuclear reactor designed to operate at a maximum thermal power of 250 kilowatts. The reactor has been designated by the applicant as the AGN Industrial Reactor (AGNIR) (hereinafter "the reactor") and is to be located at the applicant's plant near San Ramon, Calif.

The Commission has found that:

A. The application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in 10 CFR Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter "the Act");

D. Aerojet-General Nucleonics is financially qualified to construct the reactor as described in the application and, in accordance with the Commission's regulations, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

E. Aerojet-General Nucleonics is technically qualified to design and construct the reactor;

F. Aerojet-General Nucleonics has submitted sufficient technical information concerning the proposed design features of the reactor to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to Aerojet-General Nucleonics will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the construction permit fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto, and (2) the related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of March 1965.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Acting Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated September 14, 1964, and amendments thereto dated December 23, 1964 and February 19, 1965 (hereinafter "the application"), Aerojet-General Nucleonics ("AGN") requested a Class 104 license authorizing construction and operation at the AGN plant near San Ramon, Calif., of a pool-type nuclear reactor designed to operate at a maximum thermal power of 250 kilowatts and designated by the applicant as the AGN Industrial Reactor (AGNIR) (hereinafter "the reactor").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," the Atomic Energy Commission (hereinafter "the Commission") hereby issues a construction permit to Aerojet-General Nucleonics to construct the reactor in accordance with the application. This permit shall

be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is July 1, 1965. The latest date for completion of the reactor is July 1, 1966. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the AGN plant site near San Ramon, Calif., as specified in the application.

3. Upon completion (as defined in paragraph 2.A. above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up to date, upon finding that the reactor has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and the rules and regulations of the Commission, and upon filing of proof of financial protection and the execution of an idemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Aerojet-General Nucleonics pursuant to section 104c of the Act, which license shall expire forty (40) years after the date of this construction permit.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-3299; Filed, Mar. 30, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15353; Order No. E-21949]

INTERNATIONAL AIR TRANSPORT ASSN.

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March 1965.

There has 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, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Reports Nos. 8 and 9, (1) cancels the expiration date of March 31, 1965, from the specific commodity rates as set forth in Appendix A,[1] and (2) names additional specific commodity rates as set forth in Appendix B.[1]

[1] Filed as part of original document.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 18169, R-6 and R-7, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-3307; Filed, Mar. 30, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15672, 15673; FCC 65M-378]

ESTACADA TELEPHONE & TELEGRAPH CO. AND PACIFIC NORTHWEST BELL TELEPHONE CO.

Order Continuing Prehearing Conference

In re applications of Estacada Telephone & Telegraph Co., Docket No. 15672, File No. 5557-C2-P-63; For a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oreg.; Pacific Northwest Bell Telephone Co., Docket No. 15673, File No. 6281-C2-P-63; For a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oreg.

The Hearing Examiner having under consideration a letter from Pacific Northwest Bell Telephone Co. dated March 16, 1965 and received March 22, 1965, requesting that the further prehearing conference in the above-styled matter presently scheduled for March 31, 1965 be rescheduled for April 14, 1965;

It appearing, that good cause has been shown for a grant of the request, and that the other parties to the proceeding have informally agreed to the requested rescheduling;

It is ordered, This 25th day of March 1965, that the above request is granted, and that the further prehearing conference presently scheduled for March 31, 1965 is cancelled and is rescheduled for April 14, 1965.

Released: March 26, 1965.

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

[F.R. Doc. 65-3302; Filed, Mar. 30, 1965; 8:50 a.m.]

[FCC 65-236]

PAYETTE RADIO, INC.

Standard Broadcast Application Ready and Available for Processing

MARCH 26, 1965.

In accordance with the Commission's action of March 26, 1965 granting a waiver of § 1.571(c) of its rules to permit expeditious processing of the below-described application, notice is hereby given that on May 4, 1965, the following application

BP-16556—NEW, Payette, Idaho, Payette Radio, Inc., Req: 1450kc, 250w, U.

will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on May 3, 1965 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on May 3, 1965; or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commision's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 26, 1965.

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

[F.R. Doc. 65-3303; Filed, Mar. 30, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

HONG KONG/NORTH ATLANTIC & GULF JOINT AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have 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(s) at the

Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. Dick, Trans Pacific Freight Conference, New York Freight Bureau, P. & O. Building, 17th Floor, Des Voeux Road Central, Hong Kong, B.C.C.

Agreement 4379-2, a modification of a joint agreement between the members of the Trans Pacific Freight Conference, Agreement 14-1, and the members of the New York Freight Bureau, Agreement 5700, provides for the deletion of certain language in the joint agreement pertaining to a "right to veto" power presently held by the New York Freight Bureau and includes new language pertaining to the "right of independent action" by the respective conferences operating pursuant to the terms of Agreement 4379.

Dated: March 26, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-3273; Filed, Mar. 30, 1965; 8:48 a.m.]

ITALY/U.S. NORTH ATLANTIC FREIGHT POOL

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have 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(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

G. Ravera, secretary, Vico San Luca, Genoa, Italy.

Agreement 8680-6 between the carriers parties to the Italy/U.S. North Atlantic Freight Pool (Agreement 8680, as amended) modifies the basic agreement to provide for the termination of the participation of Mitsui O.S.K. Lines therein, effective July 1, 1964, and for a change in the trade name of Compagnie De Navigation Fraissinet et Cyprien Fabre, Soc. Anonyme to Compagnie Fabre—Societe Generale De Transports Maritime. It is further proposed to reflect this change in membership in the basic agreement by revising (1) the pool percentages set forth in Range 1 of Article 2 thereof, and (2) the sailings and calls allocated at the ports indicated in Range 1 of Article 3 thereof.

Dated: March 26, 1965.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-3274; Filed, Mar. 30, 1965; 8:48 a.m.]

COMPANIA NAVIERA INDEPENDENCIA, S.A., AND FLOTA MERCANTE GRANCOLOMBIANA, S.A.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement 7854 filed by:

General Steamship Corp., Ltd., One Bush Street, San Francisco, Calif., 94104.

Agreement 7854 between Compania Naviera Independencia, S.A., which has ceased service, and Flota Mercante Grancolombiana, S.A., covers a transhipment arrangement for the trade from South American Pacific Coast ports to New Orleans, Houston, Galveston, and New York with transhipment at Cristobal, C.Z.

Dated: March 26, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-3275; Filed, Mar. 30, 1965; 8:48 a.m.]

COMPANIA NAVIERA INDEPENDENCIA, S.A. AND UNITED FRUIT CO.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement 7869 filed by:

General Steamship Corp., Ltd., One Bush Street, San Francisco, Calif., 94104.

Agreement 7869 between Compania Naviera Independencia, S.A., which has ceased service, and United Fruit Co., covers a transhipment arrangement for the trade from Caribbean Sea ports to United States and Canadian Pacific Coast ports with transhipment at Cristobal, C.Z.

Dated: March 26, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-3276; Filed, Mar. 30, 1965; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

HOLDERS OF 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Mutual Mortgage Insurance Fund Debentures, Series AA, bearing interest at 4⅛ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	55,461 to 70,640 and 70,852 and 70,934 and 70,988.
$100	379,512 to 500,581 and 501,034 to 501,038 and 501,904 to 501,906 and 502,032 and 503,040 to 503,041.
$500	95,098 to 124,970 and 125,081 and 125,219.
$1,000	293,380 to 380,815 and 381,009 to 381,010 and 381,617 to 381,621 and 381,766 and 381,768 and 382,389 and 382,570 to 382,571.
$5,000	58,398 to 74,222 and 74,268.
$10,000	46,962 to 62,741 and 62,873 and 62,927 and 63,043 and 63,232.

Important. Although the above inclusive serial numbers include Series AA debentures bearing other rates, only those bearing interest at the rate of 4⅛ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965 and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3277; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 4 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Mutual Mortgage Insurance Fund Debentures, Series AA, bearing interest at 4 percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	24,779 and 26,055 to 70,641.
$100	104,019 to 500,566 and 501,605.
$500	26,256 and 27,764 and 30,786 and 32,494 and 33,372 to 124,967.
$1,000	90,524 and 101,112 and 110,300 to 380,817 and 381,011.
$5,000	25,196 and 25,545 and 26,325 to 74,224 and 74,362.
$10,000	13,363 and 13,962 and 15,183 to 62,721.

Important. Although the above inclusive serial numbers include Series AA debentures bearing other rates, only those bearing interest at the rate of 4 percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965 and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3278; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 3⅞ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Mutual Mortgage Insurance Fund Debentures, Series AA, bearing interest at 3⅞ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

3⅞ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	15,324 and 16,389 to 70,643 and 70,652 to 70,653.
$100	65,349 to 500,571 and 500,760 to 500,768 and 500,791 to 500,794 and 501,606 and 502,033 to 502,034 and 502,040 to 502,044.
$500	17,238 and 17,382 to 124,962 and 125,020 and 125,023 and 125,145 to 125,146 and 125,328.
$1,000	54,075 to 380,819 and 380,970 to 380,973 and 380,978 to 380,981 and 381,008 and 381,396 to 381,399.
$5,000	15,534 to 74,225 and 74,257 and 74,259 and 74,421.
$10,000	10,032 to 62,739.

Important. Although the above inclusive serial numbers include Series AA debentures bearing other rates, only those bearing interest at the rate of 3⅞ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3279; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 3¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.), as amended, public notice is hereby given that Mutual Mortgage Insurance Fund

Debentures, Series AA, bearing interest at 3¾ percent as designated below are hereby called for redemption, at par and accrued interest, in July 1, 1965, on which date interest on such debentures shall cease:

3¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	13,941 to 21,185.
$100	63,646 to 115,199.
$500	16,912 to 30,001.
$1,000	52,497 to 99,946.
$5,000	15,064 to 22,960 and 23,325 and 23,328 and 23,337.
$10,000	9,977 and 10,023 to 14,822.

Important. Although the above inclusive serial numbers include Series AA debentures bearing other rates, only those bearing interest at the rate of 3¾ percent, listed above, are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3280; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 4⅛ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Housing Insurance Fund Debentures, Series BB, bearing interest at 4⅛ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4⅛ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	1,582 to 1,663.
$100	12,865 to 13,718.
$500	3,396 to 3,645 and 3,659.
$1,000	11,839 to 12,558.
$5,000	1,604 to 1,744.
$10,000	22,377 to 28,619.

Important. Although the above inclusive serial numbers include Series BB debentures bearing other rates, only those bearing interest at the rate of 4⅛ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3281; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 4 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Housing Insurance Fund Debentures, Series BB, bearing interest at 4 percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	1,581 to 1,657.
$100	12,868 to 13,681.
$500	3,395 to 3,638.
$1,000	11,840 to 12,535.
$5,000	1,603 to 1,743.
$10,000	22,171 to 28,630.

Important. Although the above inclusive serial numbers include Series BB debentures bearing other rates, only those bearing interest at the rate of 4 percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3282; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 3⅞ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Housing Insurance Fund Debentures, Series BB, bearing interest at 3⅞ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

3⅞ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	Range of inclusive serial numbers within which called debentures fall
$50	1,591 to 1,659 and 1,667.
$100	12,932 to 13,719.
$500	3,475 to 3,644 and 3,646.
$1,000	11,881 to 12,559.
$5,000	1,589 to 1,729.
$10,000	22,394 to 28,190.

Important. Although the above inclusive serial numbers include Series BB debentures bearing other rates, only those bearing interest at the rate of 3⅞ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3283; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 220 Housing Insurance Fund Debentures, Series CC, bearing interest at 4⅛ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease.

4⅛ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination:	Range of inclusive serial numbers within which called debentures fall
$50	51.
$100	233 to 237.
$500	71.
$1,000	196 to 197.
$10,000	6,751.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3284; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 3⅞ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 220 Housing Insurance Fund Debentures, Series CC, bearing interest at 3⅞ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease.

3⅞ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination:	Range of inclusive serial numbers within which called debentures fall
$100	232.
$500	70.
$1,000	193 to 195.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3285; Filed, Mar. 30, 1965; 8:48 a.m.]

HOLDERS OF 3¾ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 220 Housing Insurance Fund Debentures, Series CC, bearing interest at 3¾ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease.

3¾ PERCENT SECTION 220 HOUSING INSURANCE FUND DEBENTURES, SERIES CC

Denomination:	Range of inclusive serial numbers within which called debentures fall
$50	41 and 43.
$100	184 to 193.
$500	56.
$1,000	157 and 158.
$10,000	5,680 to 6,062.

Important. Although the above inclusive serial numbers include Series CC debentures bearing other rates, only those bearing interest at the rate of 3¾ percent, listed above, are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3286; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 4⅛ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 221 Housing Insurance Fund Debentures, Series DD, bearing interest at 4⅛ percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4⅛ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Denomination:	Range of inclusive serial numbers within which called debentures fall
$50	2,776 to 2,887.
$100	20,331 to 21,181.
$500	5,265 to 5,460.
$1,000	18,512 to 19,118.
$5,000	5,826 to 5,965 and 5,976.
$10,000	7,466 to 7,475.

Important. Although the above inclusive serial numbers include Series DD debentures bearing other rates, only those bearing interest at the rate of 4⅛ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3287; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 4 PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 221 Housing Insurance Fund Debentures, Series DD, bearing interest at 4 percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4 PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Denomination:	Range of inclusive serial numbers within which called debentures fall
$50	2,754 to 2,888 and 2,894.
$100	20,234 to 21,189 and 21,215.
$500	5,249 to 5,465.
$1,000	18,502 to 19,127.
$5,000	5,822 to 5,962.
$10,000	7,407 to 7,479.

Important. Although the above inclusive serial numbers include Series DD debentures bearing other rates, only those bearing interest at the rate of 4 percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3288; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 3⅞ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 221 Housing Insurance Fund Debentures, Series DD, bearing interest at 3⅞ percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

3⅞ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Denomination:	Range of inclusive serial numbers within which called debentures fall
$50	465 to 2,885.
$100	2,280 to 21,186.
$500	768 to 5,463.
$1,000	2,584 to 19,126.
$5,000	1,048 to 5,970 and 5,975.
$10,000	1,403 to 7,482.

Important. Although the above inclusive serial numbers include Series DD debentures bearing other rates, only those bearing interest at the rate of 3⅞ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3289; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 3¾ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Section 221 Housing Insurance Fund Debentures, Series DD, bearing interest at 3¾ percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

3¾ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	1,005 to 2,847.
$100	1,856 to 19,801.
$500	1,546 to 5,145.
$1,000	2,154 to 18,145.
$5,000	1,412 to 5,397.
$10,000	2,037 to 6,715.

Important. Although the above inclusive serial numbers include Series DD debentures bearing other rates, only those bearing interest at the rate of 3¾ percent, listed above, are included in this call.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965 and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3290; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C. title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, bearing interest at 4⅛ percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease:

4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	3,395 to 3,911.
$100	25,919 to 30,213 and 30,308 to 30,313.
$500	6,244 to 7,230 and 7,254.
$1,000	19,912 to 22,826.
$5,000	3,444 to 3,910.
$10,000	3,837 to 4,298.

Important. Although the above inclusive serial numbers include Series EE debentures bearing other rates, only those bearing interest at the rate of 4⅛ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3291; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 4 PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, bearing interest at 4 percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease:

4 PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	3,400 to 3,914.
$100	25,925 to 30,217.
$500	6,245 to 7,231.
$1,000	19,942 to 22,829 and 22,887.
$5,000	3,451 to 3,912.
$10,000	3,836 to 4,282.

Important. Although the above inclusive serial numbers include Series EE debentures bearing other rates, only those bearing interest at the rate of 4 percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3292; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 3⅞ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, bearing interest at 3⅞ percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease:

3⅞ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	3,396 to 3,905.
$100	25,914 to 30,175.
$500	6,255 to 7,222 and 7,269.
$1,000	19,907 to 22,802 and 22,889.
$5,000	3,440 to 3,907.
$10,000	3,835 to 4,281.

Important. Although the above inclusive serial numbers include Series EE debentures bearing other rates, only those bearing interest at the rate of 3⅞ percent listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3293; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 3¾ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Servicemen's Mortgage Insurance Fund Debentures, Series EE, bearing interest at 3¾ percent as designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1965 on which date interest on such debentures shall cease:

3¾ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	3,397 to 3,912.
$100	25,344 to 25,347 and 25,937 to 30,201.
$500	6,247 to 7,228.
$1,000	19,918 to 22,822 and 22,918.
$5,000	3,442 to 3,911.
$10,000	3,839 to 4,288.

Important. Although the above inclusive serial numbers include Series EE debentures bearing other rates, only those bearing interest at the rate of 3¾ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3294; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 4⅛ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, bearing interest at 4⅛ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4⅛ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
$50	215 to 216.
$100	2,479 to 2,586.
$500	549 to 559.
$1,000	2,575 to 2,658.
$5,000	545.
$10,000	9,862 to 9,863.

Important. Although the above inclusive serial numbers include Series FF debentures bearing other rates, only those bearing interest at the rate of 4⅛ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3295; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 4 PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, bearing interest at 4 percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

4 PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
\$50	226.
\$100	2,527 to 2,605.
\$500	548 and 566.
\$1,000	2,615 to 2,671.
\$10,000	9,866 to 9,923.

Important. Although the above inclusive serial numbers include Series FF debentures bearing other rates, only those bearing interest at the rate of 4 percent, listed above, are included in this call, together with one other debenture bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3296; Filed, Mar. 30, 1965; 8:49 a.m.]

HOLDERS OF 3⅞ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, bearing interest at 3⅞ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

3⅞ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
\$50	225 and 227.
\$100	2,515 to 2,607.
\$500	553 to 554.
\$1,000	2,573 to 2,673.
\$10,000	9,864 to 9,920.

Important. Although the above inclusive serial numbers include Series FF debentures bearing other rates, only those bearing interest at the rate of 3⅞ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3297; Filed, Mar. 30, 1965; 8:50 a.m.]

HOLDERS OF 3¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Call for Partial Redemption Before Maturity

MARCH 25, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, bearing interest at 3¾ percent as designated below are hereby called for redemption, at par and accrued interest, on July 1, 1965, on which date interest on such debentures shall cease:

3¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Range of inclusive serial numbers within which called debentures fall*
\$100	2,483 to 2,590.
\$500	564.
\$1,000	2,637 to 2,661.
\$5,000	550.
\$10,000	9,861.

Important. Although the above inclusive serial numbers include Series FF debentures bearing other rates, only those bearing interest at the rate of 3¾ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1965, and provision will be made for the payment of final interest due on July 1, 1965, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1965, to June 30, 1965, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1965, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: March 26, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-3298; Filed, Mar. 30, 1965; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4263]

POTOMAC EDISON CO. ET AL.

Notice Regarding Proposed Issuance and Sale by Subsidiary Companies of Common Stock and Acquisition and Pledge Thereof by Holding Company

MARCH 25, 1965.

Notice is hereby given that the Potomac Edison Co. ("Potomac Edison"), 200 East Patrick Street, Frederick, Md., 21701, a registered holding company, an electric utility company, and a subsidiary company of Allegheny Power System, Inc., also a registered holding company, and Potomac Edison's electric utility subsidiary companies, Northern Virginia Power Co. ("Virginia"), Potomac Light and Power Co. ("Potomac Light"), and South Penn Power Co. ("South Penn"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement of the proposed transactions, which are summarized as follows:

Virginia, Potomac Light, and South Penn propose to issue and sell for cash, at par or stated value, and Potomac Edison proposes to acquire, from time to time as necessary prior to December 31, 1965, authorized but unissued shares of capital stock equal to the aggregate par or stated value as follows:

	Shares	
Virginia	[1] 4,000	$400,000
Potomac Light	[1] 5,000	500,000
South Penn	[2] 260,000	1,300,000
Total	269,000	2,200,000

[1] Par value $100 per share.
[2] No par, stated value $5 per share.

The proceeds to be received by such subsidiary companies from the proposed sales of stock will be used to finance, in part, necessary property additions and improvements. The estimated costs of the 1965 construction programs of such subsidiary companies are $1,376,000, $1,594,000, and $1,883,000, respectively.

Potomac Edison owns all of the outstanding shares of capital stock of each subsidiary company, which are pledged under Potomac Edison's Indenture dated October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The additional shares to be acquired will also be pledged under said Indenture in accordance with the requirements thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $2,375, consisting of $300 counsel fees, $1,700 Federal issue stamp tax, $225 State issue fee, and $150 of miscellaneous expenses.

The application-declaration states that the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the capital stock of Virginia; that the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition by Potomac Edison of the capital stocks of the subsidiary companies; and that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the capital stock of South Penn. It is further stated that appropriate orders of the respective State commissions are to be supplied by amendment to the application-declaration.

Notice is further given that any interested person may, not later than April 20, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon each of the joint applicants-declarants at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously 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 and regulations, as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-3245; Filed, Mar. 30, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 346]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 26, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 22229 (Deviation No. 9), TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Post Office Box 1918, Atlanta 1, Ga., filed March 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 20 to Atlanta, Ga., and return over the same route, for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 78 to Atlanta, Ga., and return over the same route.

No. MC 30073 (Deviation No. 8), JOHNSON FREIGHT LINES COMPANY, INC., 248 Chester Avenue, SE., Post Office Box 1918, Atlanta, Ga., filed March 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky., thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, and return over the same route.

No. MC 42487 (Deviation No. 37), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago, Ill., 60680, filed March 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, D.C., over Interstate Highway 70S to junction Interstate Highway 70 near Frederick, Md., thence over Interstate Highway 70 to Breezewood, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Baltimore, Md., over U.S. Highway 40 through Frederick, Md., to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40) west of Frederick, thence over Alternate U.S. Highway 40 to Hagerstown, Md., thence over U.S. Highway 40 to Hancock, Md., thence over U.S.

Highway 522 to Warfordsburg, Pa., and thence over Pennsylvania Highway 126 to Breezewood, Pa. (formerly shown as over Pennsylvania Highway 226 to junction Pennsylvania Highway 126), (2) from Baltimore, Md., over U.S. Highway 1 to Washington, D.C.; and (3) from Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 40, and thence over U.S. Highway 40 to St. Louis, Mo., and return over the same routes.

No. MC 110483 (Deviation No. 1), G&H TRUCK LINE, INC., 3963 Walnut Street, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., filed March 18, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Sidney, Nebr., over U.S. Highway 30 to junction Nebraska Highway 19, thence over Nebraska Highway 19 to the Colorado-Nebraska State line, thence over Colorado Highway 113 to junction U.S. Highway 138, thence over U.S. Highway 138 to Sterling, Colo., thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Pine Bluffs, Wyo., over U.S. Highway 30 to Cheyenne, Wyo., thence over U.S. Highway 85 to Denver, Colo. and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 231), GREYHOUND LINES, INC. (WESTERN DIVISION), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed March 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 91 and Interstate Highway 15 (North Inkom Junction), over Interstate Highway 15 to junction unnumbered highway (McCammon Junction), thence over unnumbered highway to McCammon, Idaho, and (2) from junction U.S. Highway 191 and Interstate Highway 15 (Malad Pass), over Interstate Highway 15 to junction U.S. Highway 191 (Malad City Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: From Pocatello, Idaho, over U.S. Highway 91 to the Idaho-Utah State line; from Downey, Idaho, over U.S. Highway 191 to the Idaho-Utah State line, and return over the same routes.

No. MC 1940 (Deviation No. 14) TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 I Street NW., Washington, D.C. Applicant's attorney: Charles B. McInnis, Continental Building, 1012 14th Street NW., Washington, D.C., 20005, filed March 18, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From the junction of Interstate Highway 495 and Massachusetts Highway 9, near Westborough, Mass., over Interstate Highway 495 to Amesbury, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Worcester, Mass., over Massachusetts Highway 9 to Framingham, Mass., thence over Massachusetts Highway 135 to Wellesley, Mass., thence over Massachusetts Highway 16 to Newton, Mass., thence over city streets to Waltham, Mass., and thence over U.S. Highway 20 to Boston, Mass. (also from Worcester over Massachusetts Highway 9 and U.S. Highway 20 to Boston), (2) from Haverhill, Mass., over Massachusetts Highway 110 to Salisbury, Mass., (3) from Lowell, Mass., over Massachusetts Highway 110 to Littleton, Mass., thence over Massachusetts Highway 2A to Ayer, Mass., thence return over Massachusetts Highway 2A to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to West Boylston, Mass., and thence over Massachusetts Highway 12 to Worcester, and (4) from Littleton Common, Mass., over Massachusetts Highway 110 to Haverhill, and return over the same routes.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-3265; Filed, Mar. 30, 1965; 8:47 a.m.]

[Notice 750]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 26, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 41404 (Sub-No. 51) (AMENDMENT), filed February 18, 1965, published FEDERAL REGISTER issue of March 3, 1965, amended March 19, 1965, and republished as amended this issue. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except liquid commodities, in bulk, in tank vehicles and hides, pelts, and skins), from Mason City, Iowa, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: The purpose of this republication is to broaden the origin territory.

CONTINUED HEARING: April 19, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner David Waters.

No. MC 108912 (Sub-No. 11) (AMENDMENT), filed February 23, 1965, published FEDERAL REGISTER issue of March 3, 1965, amended March 18, 1965, and republished as amended this issue. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., 134 North La Salle Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. 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*, and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and West Virginia.

NOTE: The purpose of this republication is to broaden the scope of the proposed operation.

CONTINUED HEARING: April 19, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner David Waters.

No. MC 110563 (Sub-No. 26) (AMENDMENT), filed February 15, 1965, published FEDERAL REGISTER issue of February 25, 1965, amended March 19, 1965, and republished as amended this issue. Applicant: COLDWAY FOOD EXPRESS, INC., West North Street, Post Office Box 259, Sidney, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tarnsporting: *Meats, meat products*, and *meat byproducts*, from Mason City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia, and *refused and rejected shipments*, on return.

NOTE: The purpose of this republication is to broaden the origin territory.

CONTINUED HEARING: April 19, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner David Waters.

No. MC 113861 (Sub-No. 32), filed March 22, 1965. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases* in bulk, in tank vehicles, from Tullahoma, Tenn., and points within ten (10) miles thereof, to points in Tennessee, Alabama, and Georgia, and *refused and rejected shipments*, on return.

HEARING: April 8, 1965, at the Alabama Public Service Commission, Montgomery, Ala., before Joint Board No. 239.

No. MC 119697 (Sub-No. 10) (AMENDMENT), filed February 23, 1965, published FEDERAL REGISTER issue March 3, 1965, and republished as amended this issue. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, as described in Sections A, C, and D, of Appendix I, to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (other than commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Indiana, Kentucky, Pennsylvania, and Ohio.

NOTE: The purpose of this republication is to broaden the origin territory.

CONTINUED HEARING: April 19, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner David Waters.

No. MC 119792 (Sub-No. 19) (AMENDMENT), filed February 23, 1965, published FEDERAL REGISTER March 3, 1965, amended March 19, 1965, and republished as amended, this issue. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, A corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. 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 and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, C, and D, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Kentucky, and Tennessee.

NOTE: The purpose of this republication is to broaden the scope of the proposed operation.

CONTINUED HEARING: April 19, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner David Waters.

No. MC 123393 (Sub-No. 57), filed March 15, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *exempt commodities*, on return.

HEARING: May 17, 1965, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William A. Royall.

No. MC 125368 (Sub-No. 8) (AMENDMENT), filed February 21, 1965, published FEDERAL REGISTER issue March 3, 1965, amended March 18, 1965, and republished as amended this issue. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. 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* (other than commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mason City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia.

NOTE: Applicant is also authorized to conduct contract carrier operations in Permit No. MC 111442 (Sub-No. 1), and sub thereunder, therefore, dual operations may be involved. The purpose of this republication is to delete origin point as shown in previous publication, to read as shown above.

CONTINUED HEARING: April 19, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner David Waters.

No. MC 112750 (Sub-No. 170) (REPUBLICATION), filed November 20, 1963, published FEDERAL REGISTER, issue of February 26, 1964, and republished after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed November 20, 1963, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of checks, business papers, records and audit, and accounting media of all kinds (except plant removals) on behalf of Sealtest Foods Division of National Dairy Products Corp., between Dubuque, Iowa, on the one hand, and, on the other, Chicago, Ill. An Order, Operating Rights Board No. 1, dated February 24, 1965, served March 8, 1965, finds that the proposed operations are those of a *common carrier* by motor vehicle, over irregular routes, transporting *checks, business papers, records, and audit and accounting media* (except cash letters), between Dubuque, Iowa, on the one hand, and, on the other, Chicago, Ill., and that because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 175) (REPUBLICATION), filed January 9, 1964, published FEDERAL REGISTER, issue of January 29, 1964, and republished after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed January 9, 1964, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of checks, business papers, records, and audit and accounting media, of all kinds (excluding plant removals), (1) between River Grove (Cook County), Ill., on the one hand, and, on the other, Davenport, Waterloo, and Webster City, Iowa, under a continuing contract or contracts with Continental Banking Co., Inc., and (2) between Davenport, Iowa, on the one hand, and, on the other, Melrose Park (Cook County), Ill., under a continuing contract or contracts with Graybar Electric Co., Inc. An Order, Operating Rights Board No. 1, dated February 24, 1965, served March 8, 1965, finds that the proposed operations are those of a *common carrier*, by motor vehicle, over irregular routes, transporting: *checks, business papers, records, and audit and accounting media* (except cash letters), (1) between River Grove (Cook County), Ill., on the one hand, and, on the other, Davenport, Waterloo, and Webster City, Iowa, and (2) between Davenport, Iowa, on the one hand, and, on the other, Melrose Park (Cook County), Ill.; and that because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 177) (REPUBLICATION), filed January 14, 1964, published FEDERAL REGISTER, issue of January 29, 1964, and republished after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed January 14, 1964, as amended, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of (1) imprinted checks, fillers, and checkbooks and orders for the described commodities, between Louisville, Ky., on the one hand, and, on the other, Charleston, W. Va., (2) checks, business papers, records, and audit and accounting media, of all kinds (except plant removals), (a) between Columbus, Ohio, on the one hand, and, on the other, Huntington, W. Va., (b) between Cleveland, Ohio, on the one hand, and, on the other, Erie, Pa., (c) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (d) between Akron, Ohio, on the one hand, and, on the other, Boyers, Pa., (3) exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith (except motion picture film used primarily for commercial theater and television exhibition), between Findlay and Columbus, Ohio, on the one hand, and, on the other, points in Cabell, Kanawha, and Wood Counties, W. Va., (4) ophthalmic goods and commercial papers (except supplies and plant removals), (a) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Richmond, Jeffersonville, and Indianapolis, Ind., Lexington, Ky., and Huntington, Charleston, and Parkersburg, W. Va., under continuing contract or contracts with Herald Printery, Louisville, Ky., in (1), with Service Bureau Corp. and Ohio Fuel Gas Co., Columbus, Ohio, in (2)(a), with Service Bureau Corp., in (2)(b), with the Peoples Natural Gas Co., in (2)(c), with Firestone Tire and Rubber Co. of Akron, Ohio, in (2)(d), with Eastman Kodak Co., in (3), and with Schuron Optical Co., in (4) (a) and (b). An Order, Operating Rights Board No. 1, dated February 24, 1965, served March 8, 1965, finds that the proposed operations are those of a common carrier, by motor vehicle, over irregular routes, transporting:

(1) *Imprinted checks, fillers, and checkbooks and orders for the described commodities*, between Louisville, Ky., on the one hand, and, on the other, Charleston, W. Va., (2) *checks, business papers, records, and audit and accounting media* (except cash letters), (a) between Columbus, Ohio, on the one hand, and, on the other, Erie, Pa., (b) between Akron, Ohio, on the one hand, and, on the other, Boyers, Pa., and (c) between Cleveland, Ohio, on the one hand, and, on the other, points in Pittsburgh and Erie, Pa., (3) *exposed film and prints*, excluding motion picture film used primarily for commercial theatre and television exhibition, from points in Cabell, Kanawha, and Wood Counties, W. Va., to Findlay and Columbus, Ohio, and *processed film and prints*, excluding motion picture film used primarily for commercial theatre and television exhibition, *complimentary replacement film, labels, envelopes, and packaging materials, and advertising literature moving therewith*, from Findlay and Columbus, Ohio, to points in Cabell, Kanawha, and Wood Counties, W. Va., (4) *ophthalmic goods and commercial papers*, (a) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Richmond, Jeffersonville, and Indianapolis, Ind., Lexington, Ky., and Huntington, Charleston, and Parkersburg, W. Va.; and that because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 187) (REPUBLICATION), filed February 26, 1964, published FEDERAL REGISTER issue of March 11, 1964, and republished after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed February 26, 1964, as amended, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of lithographed and printed unused personalized checks and related unused miscellaneous bank documents, (1) from Hartford, Conn., and Newark and Elizabeth, N.J., to points in Massachusetts, and (2) from Concord, Mass., to points in Maine, New Hampshire, and Rhode Island. An Order, Operating Rights Board No. 1, dated February 24, 1965, served March 8, 1965, finds that the proposed operations are those of a *common carrier*, by motor vehicle, over irregular routes, transporting: *lithographed and printed unused personalized checks and related unused miscellaneous bank documents*, (1) from Hartford, Conn., to points in Massachusetts, and (2) from Concord, Mass., to points in Maine, New Hampshire, and Rhode Island; and that because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 196), (REPUBLICATION), filed May 8, 1964, published FEDERAL REGISTER, issue of May 27, 1964, and republished after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed May 8, 1964, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of (1) lithographed and printed unused personalized checks and related unused miscellaneous bank documents, from West Concord, Mass., to points in Connecticut, (2) bank checks, drafts, and bank stationery, from Pawtucket, R.I., to points in Delaware, Maryland, New Jersey, Pennsylvania, District of Columbia, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and (3) exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Annapolis, Md., on the one hand, and, on the other, Washington, D.C. An Order, Operating Rights Board No. 1, dated February 24, 1965, served March 8, 1965, finds that the proposed operations are those of a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lithographed and printed unused personalized checks and related unused miscellaneous bank documents*, from West Concord, Mass., to points in Connecticut, (2) *bank checks, drafts, and bank stationery* (except cash letters), from Pawtucket, R.I., to points in Delaware, Maryland, New Jersey, Pennsylvania, District of Columbia, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and (3) *exposed film and prints* (excluding motion picture film used primarily for commercial theatre and television exhibition), from Annapolis, Md., to Washington, D.C., and *processed film and prints* (excluding motion picture film used primarily for commercial theatre and television exhibition), *complimentary replacement film, labels, envelopes and packaging materials, and advertising literature* moving therewith, from Washington, D.C., to Annapolis, Md.; and that because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 112750 (Sub-No. 197) (REPUBLICATION), filed May 8, 1964, published FEDERAL REGISTER, issue of May 27, 1964, and republished after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed May 8, 1964, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of (1) business records and payroll checks, between Pittsburgh, Pa., on the one hand, and, on the other, Akron, Ashtabula, Cambridge, Cleveland, Dover, Marion, Sandusky, Toledo, and Youngstown, Ohio (2) glass products and commercial papers (excluding plant removal and supplies) between Brockway (Jefferson County), Pa., on the one hand, and, on the other, Zanesville (Muskingum County), Ohio, and Parkersburg (Wood County), W. Va., and (3) exposed and processed film and prints, complimentary replacement film, incidental dealer and handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between points in Allegheny County, Pa., on the one hand, and, on the other, points in Cuyahoga and Columbiana Counties, Ohio, and Brooke and Hancock Counties, W. Va. An Order, Operating Rights Board No. 1, dated February 24, 1965, served March 8, 1965, finds that the proposed operations are those of a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Business records and payroll checks*, between Pittsburgh, Pa., on the one hand, and, on the other, Akron, Ashtabula, Cambridge, Cleveland, Dover, Marion, Sandusky, Toledo, and Youngstown, Ohio, (2) *glass products and commercial papers* (except cash letters) between Brockway (Jefferson County), Pa., on the one hand, and, on the other, Zanesville (Muskingum County), Ohio, and Parkersburg (Wood County), W. Va., and (3) *exposed film and prints*, excluding motion picture film used primarily for commercial theatre and television exhibition, from points in Cuyahoga and Columbiana Counties, Ohio, and Brooke and Hancock Counties, W. Va., to Wilkinsburg, Pa., and *processed film and prints*, excluding motion picture film used primarily for commercial theatre and television exhibition, *complimentary replacement film, labels, envelopes, and packaging materials, and advertising literature moving therewith*, from Wilkinsburg, Pa., to points in Cuyahoga and Columbiana Counties, Ohio, and Brooke and Hancock Counties, W. Va., and that because it is possible that other parties, who have relied upon the notice of this application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 65491 (Sub-No. 4), filed March 1, 1965. Applicant: GEORGE W. BROWN, INC., 1475 East 222d Street, New York, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, office furniture and office equipment, commodities in bulk and those requiring special equipment), (1) between New Haven, Conn., and Stonington, Conn.; (a) from New Haven over U.S. Highway 1 to Stonington and return over the same route, serving all intermediate points; (b) from New Haven over Interstate Highway 95 to junction U.S. Highway 1 near Groton, Conn., thence over U.S. Highway 1 to Stonington and return over the same route, serving all intermediate points, (2) between junction U.S. Highway 1 and Connecticut Highway 156 and New London, Conn.; from junction U.S. Highway 1 and Connecticut Highway 156 near Old Lyme, Conn., over Connecticut Highway 156 to New London, Conn., and return over the same route, serving all intermediate points; (3) between Westbrook, Conn., and Deep River, Conn.

(a) From Westbrook over Connecticut Highway 153 to junction Connecticut Highway 9, thence over Connecticut Highway 9 to Deep River and return over the same route, serving all intermediate points; (b) from Westbrook over U.S. Highway 1 to junction Connecticut Highway 9, thence over Connecticut Highway 9 to Deep River and return over the same route, serving all intermediate points; (c) from Westbrook over U.S. Highway 1 to junction Connecticut Highway 80, thence over Connecticut Highway 80 to junction Connecticut Highway 9, thence over Connecticut Highway 9 to Deep River and return over the same route, serving all intermediate points; (4) between Stonington, Conn., and Norwich, Conn.; (a) from Stonington over U.S. Highway 1 to Pawcatuck, Conn., thence over Connecticut Highway 2 to Norwich and return over the same route, serving all intermediate points; (b) from Stonington over U.S. Highway 1A to junction U.S. Highway 1, thence over U.S. Highway 1 through Mystic, Conn., to Groton, Conn., thence over Connecticut Highway 12 to Norwich and return over the same route, serving all intermediate points; (5) between New London, Conn., and Norwich, Conn.; (a) from New London over Connecticut Highway 32 to Norwich and return over the same route, serving all intermediate points; (b) from New London over U.S. Highway 1 to Groton, Conn., thence over Connecticut Highway 12 to Norwich and return over the same route, serving all intermediate points; (6) between Portland, Conn., and Waterbury, Conn.; (a) from Portland over U.S. Highway 6A to Waterbury, and return over the same route, serving all intermediate points; (b) from Portland over U.S. Highway 6A to Middletown, Conn., thence over Connecticut Highway 72 to Bristol, Conn., thence over Connecticut Highway 69 to Waterbury, and return over the same route, serving all intermediate points; (c) from Portland over U.S. Highway 6A to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over U.S. Highway 6 to Thomaston, Conn., thence over Connecticut Highway 8 to Waterbury, and return over the same route, serving all intermediate points; (d) from Portland over U.S. Highway 6A to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over Connecticut Highway 4 to Farmington, Conn., thence over Connecticut Highway 10 to Milldale, Conn.

Thence over U.S. Highway 6A to Waterbury, and return over the same route, serving all intermediate points; (e) from Portland over U.S. Highway 6A to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over U.S. Highway 6 to junction Connecticut Highway 71, thence over Connecticut Highway 71 to Meriden, Conn., thence over U.S. Highway 6A to Waterbury, and return over the same route, serving all intermediate points; (f) from Portland over U.S. Highway 6A to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over Interstate Highway 84 to Waterbury, and return over the same route, serving all intermediate points; (6) between Portland, Conn., and Putnam, Conn.; (a) from Portland over U.S. Highway 6A to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic, thence over Connecticut Highway 14 to junction Connecticut Highway 14A, thence over Connecticut Highway 14A to Plainfield, Conn., thence over Connecticut Highway 12 to Putnam and return over the same route, serving all intermediate points; (b) from Portland, Conn., over U.S. Highway 6A to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic, Conn., thence over Connecticut Highway 14 to Windham, Conn., thence over Connecticut Highway 203 to North Windham, Conn., thence over Connecticut Highway 198 to Kenyonville, Conn., thence over Connecticut Highway 171 to Putnam, and return over the same route, serving all intermediate points; (c) from Portland, Conn., over U.S. Highway 6A to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Connecticut Highway 198 near South Chaplin, thence over Connecticut Highway 198 to Kenyonville, Conn., thence over Connecticut Highway 171 to Putnam, and return over the same route, serving all intermediate points; (d) from Portland, Conn., over U.S. Highway 6A to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Connecticut Highway 198 near South Chaplin, Conn., thence over Connecticut Highway 198 to Phoenixville, Conn., thence over U.S. Highway 44 to Putnam and return over the same route, serving all intermediate points; (e) from Portland, Conn., over U.S. Highway 6A to junction U.S. Highway 6, thence over U.S. Highway 6 to Danielson, Conn., thence over Connecticut Highway 12 to Putnam and return over the same route, serving all intermediate points, (7) between Portland, Conn., and Jewett City, Conn.

(a) From Portland, Conn., over U.S. Highway 6A to Marlborough, Conn., thence over Connecticut Highway 2 to Norwich, Conn., thence over Connecticut Highway 12 to Jewett City and return over the same route, serving all intermediate points; (b) from Portland over U.S. Highway 6A to Marlborough, Conn., thence over Connecticut Highway 2 to Colchester, Conn., thence over Connecticut Highway 85 to New London, Conn., thence over U.S. Highway 1 (Interstate Highway 95) to Groton, Conn., thence over Connecticut Highway 12 to Jewett City, and return over the same route, serving all intermediate points; (8) between Hartford, Conn., and Rockville, Conn.; (a) from Hartford over U.S. Highway 6 to Manchester, Conn., thence over Connecticut Highway 83 to Rockville, and return over the same route, serving all intermediate points; (b) from Hartford over U.S. Highway 44 to junction Connecticut Highway 83, thence over Connecticut Highway 83 to Rockville, and return over the same route, serving all intermediate points; (9) between the Connecticut-New York State line and the Connecticut-Rhode Island State line; (a) from the Connecticut-New York State line over Interstate Highway 95 to the Connecticut-Rhode Island State line, and return over the same route, serving all intermediate points; and (b) from the Connecticut-New York State line over the Connecticut Turnpike to the Connecticut-Rhode

Island State line, and return over the same route, serving all intermediate points; service is authorized, in connection with all of the above described routes (1) through (9), from, to, and between all off-route points in Connecticut, in conjunction with applicant's authorized regular-route authority.

NOTE: This is a matter directly related to MC-F 9042, published in FEDERAL REGISTER issue of March 10, 1965.

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-8756 (correction) (SEA-LAND FREIGHT SERVICE, INC.—PURCHASE—ALASKA FREIGHT LINES, INC.), published in the May 27, 1964, and March 24, 1965, issues of the FEDERAL REGISTER on pages 6980 and 3845, respectively. The publication on page 3845 inadvertently gave the number *MC-F-3756*, when it should have read No. *MC-F-8756*.

No. MC-F-9056. Authority sought for control by B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio, 43055, of CRAIG TRUCKING, INC., Albany, Ind., and for acquisition by H. E. LeFEVRE, also of Newark, Ohio, of control of CRAIG TRUCKING, INC., through the acquisition by B & L MOTOR FREIGHT, INC. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Operating rights sought to be controlled: Numerous specified commodities, as a *common carrier*, over irregular routes, between, from and to specified points in the States of Indiana, Michigan, Kentucky, Wisconsin, Illinois, Ohio, Pennsylvania, Missouri, West Virginia, and Iowa, with certain restrictions, as more specifically described in Docket No. MC-55811 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for the purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. B & L Motor Freight, Inc., is authorized to operate as a *common carrier* in the States of Ohio, New York, Pennsylvania, Maryland, West Virginia, Indiana, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9057. Authority sought for purchase by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., of the operating rights and certain property of BLAIN DRIVEAWAY SYSTEM, INC., 39 West Alexis Road, Toledo, Ohio, and for acquisition by PAUL A. MAVIS, also of South Bend, Ind., of control of such rights and property through the purchase. Applicants' attorneys: Arthur R. Cline, 420 Security Building, Toledo, Ohio, and Charles Pieroni, 4000 West Sample Street, South Bend, Ind. Operating rights sought to be transferred: *Automobiles, trucks*, and *chassis*, in initial movements, by the driveaway method, as a *common carrier* over irregular routes, from points in Wayne County, Mich., to West Springfield, Pa., Toledo, Ohio, and points within 2 miles of Toledo, from points in Warren Township, Macomb County, Mich., to West Springfield, Pa., Toledo, Ohio, and points in Ohio within 2 miles of Toledo; *new automobiles, automobile chassis*, and *parts and accessories* moving in connection therewith, in initial movements, by the driveaway method, from Willow Run in Washtenaw County, Mich., to Toledo, Ohio, and West Springfield, Pa.; *automobiles*, in initial movements by the truckaway method, from Detroit, Mich., to Toledo, Ohio, and points within 2 miles of Toledo; *automobiles and trucks*, in initial movements by the truckaway method, in foreign commerce, from Toledo, Ohio, and points within 2 miles of Toledo, to Detroit, Mich.; *motor vehicles, motor vehicle cabs, and chassis*, in initial movements, by the driveaway method, *motor vehicle bodies* and *motor vehicle parts, accessories, advertising matter and display materials* when transported in connection with motor vehicles, motor vehicle cabs, and chassis, in initial movements, by the driveaway method, and *motor vehicle bodies*, from Toledo, Ohio, to the terminal of said carrier located near the intersection of Alexis and Telegraph Roads, approximately 2 miles north of the city limits of Toledo, Ohio, restricted to shipments which will have a further movement by a connecting carrier to points in New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; *trucks*, in initial movements, in truckaway service, restricted against the transportation of any vehicle which is to move beyond Toledo, Ohio, by connecting carrier, from Warren Township, Macomb County, Mich., to Toledo, Ohio; *new automobiles, trucks, tractors, automotive vehicles chassis (finished and unfinished), and house trailers*, in driveaway service, from Toledo, Ohio, to points in Connecticut, Illinois, Maryland, Massachusetts, Michigan, New York, Pennsylvania, the District of Columbia, Alabama, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, New Hampshire, New Jersey, North Carolina, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; *automobiles, trucks*, and *finished and unfinished automotive vehicle chassis*, in initial movements, in driveaway service, between Toledo, Ohio, on the one hand, and, on the other, points in Maine and Rhode Island. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9058. Authority sought for continuance in control by RELIABLE TRANSFER & STORAGE COMPANY, INC., 1251 Occidental Avenue South, Seattle, Wash., of NELSON TRUCKING CO., INC., 1251 Occidental Avenue South, Seattle, Wash. Applicants' attorney: George H. Hart, 1100 IBM Building, Seattle, Wash., 98101. Operating rights sought to be controlled: *Lumber*, as a *common carrier*, over irregular routes, from Everett and Tacoma, Wash., to Seattle, Wash., RESTRICTION: The service authorized above is restricted to shipments moving to the territories and possessions of the United States; and this authority is not to be construed as authorizing any service in the reverse direction. RELIABLE TRANSFER & STORAGE COMPANY, INC., is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9059. Authority sought for purchase by OWL TRUCK COMPANY, 500 South Alameda Street, Compton, Calif., of the operating rights of LANG VENTURA COMPANY, 5905 Pacific Boulevard, Huntington Park, Calif., and for acquisition by OWL CONSTRUCTORS, also of Compton, Calif., of control of such rights through the purchase. Applicants' attorneys: Wade & Wade, 453 South Spring Street, Los Angeles, Calif., 90013. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, or in the construction and maintenance of electric power plants, electric transmission lines, and pipe line, as a *common carrier*, over irregular routes, between points in that part of California, south of Marin, Napa, Solano, Sacramento, Amador, Calaveras, Tuolumne, Mariposa, and Mono Counties, Calif. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9060. Authority sought for purchase by CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Hagerstown, Md., of the operating rights and property of HOPWOOD TRANSPORTATION COMPANY, INC., 1530 Beason Street, Baltimore, Md., and for acquisition by E. J. DONOHUE, 826 Oak Hill Avenue, Hagerstown, Md., ARTHUR ROSEN, 3901 North Front Street, Harrisburg, Pa., and SAMUEL L. ABRAMS, 2911 North Second Street, Harrisburg, Pa., of control of such rights and property through the purchase. Applicants' attorney: Spencer T. Money, Suite 411, Park Lane Building, 2025 Eye Street NW., Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others household goods and commodities in bulk, as a *common carrier* over a regular route, between Baltimore, Md., and Washington, D.C., and all intermediate points; and the off-route points of Fort George G. Meade, Annapolis, Jessups, and Bowie, Md., those within 10 miles of Baltimore, and those in Maryland and Virginia within 10 miles of Washington. Vendee is authorized to operate as a *common carrier* in West Virginia, Virginia, Maryland, Pennsylvania, New Jersey, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9062. Authority sought for purchase by NELSON FREIGHTWAYS, INC., 28 East Main Street, Rockville, Conn., of the operating rights and property of DIAMOND TRANSPORTATION COMPANY, INC., 115 Piludski Street, Post Office Box 1284, Providence, R.I., and for acquisition by CLIFFORD J. O. NELSON, 9 Old Farm Road, Dover, Mass., and CHARLES G. CHILBERG, 33 Reed Street, Rockville, Conn., of control of such rights and property through the purchase. Applicants' attorneys: Philip W. Noel, 931 Industrial Bank Building, Providence, R.I., 02903, and Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-121146 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, over irregular routes, between points in Rhode Island. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and the District of Columbia; and as a *contract carrier* in New York, Pennsylvania, Maryland, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC-60186 Sub-25 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC-F-9063. Authority sought for control by WESTERN NEW YORK MOTOR LINES, INC., Terminal Building, Batavia, N.Y., of WIRTH BUS SERVICE, INC., North Creek Road, Palmyra, N.Y., and for acquisition by MAX F. COWAN, also of Batavia, N.Y., of control of WIRTH BUS SERVICE, INC., through the acquisition by WESTERN NEW YORK MOTOR LINES, INC. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. Operating rights sought to be controlled: Passengers and their baggage, in charter operations, as a *common carrier* over irregular routes, beginning and ending at Geneva, N.Y., certain points in New York, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, beginning and ending at points in Monroe County, N.Y., and extending to points in Connecticut, Maine, Maryland, New Hampshire, New York (except New York, N.Y.), Pennsylvania, and Vermont. WESTERN NEW YORK MOTOR LINES, INC., is authorized to operate as a *common carrier* in New York and the District of Columbia; and as a *broker* between points in the United States (broker is authorized to engage in the above-specified operations at Batavia, Buffalo, Le Roy, and Rochester, N.Y.) Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary*.

[F.R. Doc. 65-3266; Filed, Mar. 30, 1965; 8:47 a.m.]

[Notice 752]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 26, 1965.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 108053 (Sub-No. 60), filed January 26, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Kansas, North Dakota, and South Dakota.

HEARING: May 17, 1965, at the Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Samuel Horwich.

No. MC 112148 (Sub-No. 32), filed March 22, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products*, other than frozen, with or without other ingredients, cooked, diced, flaked, powdered, shredded, or sliced, from points in Montcalm County, Mich., to points in Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Missouri.

HEARING: April 12, 1965, at the Statler Hilton Hotel, 1565 Washington Boulevard, Detroit, Mich., before Examiner Harry M. Shooman.

No. MC 114019 (Sub-No. 128), filed January 26, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: May 17, 1965, at the Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Samuel Horwich.

No. MC 123393 (Sub-No. 58), filed March 15, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products*, other than frozen with or without other ingredients, cooked, diced, flaked, powdered, shredded, or sliced, from points in Montcalm County, Mich., to points in Michigan, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Nebraska, Kansas, Missouri, Arkansas, Tennessee, Kentucky, Alabama, Mississippi, Georgia, Florida, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Delaware, Massachusetts, Connecticut, Indiana, Ohio, Rhode Island, Vermont, New Hampshire, Oklahoma, and the District of Columbia, and *exempt commodities*, on return.

HEARING: April 12, 1965, at the Statler Hilton Hotel, 1565 Washington Boulevard, Detroit, Mich., before Examiner Harry M. Shooman.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-3268; Filed, Mar. 30, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 26, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-13896 Sub-No. 1, filed February 23, 1965. Applicant: W. G. CARTER, doing business as W. G. CARTER TRUCK SERVICE, Plattsburg, Mo. Applicant's attorneys: Robert H. Frost and G. Raymond Speckman, 112 North Main Street, Plattsburg, Mo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general freight*, (1) from Lathrop, Mo., over Missouri Highway 116 west to junction U.S. Highway 169, thence south over U.S. Highway 169 to junction with Alternate U.S. Highway 169, thence in a southerly direction upon said Alternate U.S. Highway 169 to Kansas City, Mo., and return over the same routes, serving as regular route points Smithville, Trimble, Grayson, Plattsburg, and Lathrop, Mo., on the one hand, and, Kansas City, Mo., and its commercial zone on the other hand. (2) From Lathrop, Mo., over Missouri Highway 116 west to junction U.S. Highway 169, thence north on said U.S. Highway 169 to St. Joseph, Mo., and return over the same routes, serving as regular route points Gower, Plattsburg, and Lathrop, Mo., on the one hand, and St. Joseph, Mo., and its commercial zone on the other hand; with authority to render through service at through rates between the points sought to be served and applicant's presently authorized service points.

HEARING: April 23, 1965, at 10 a.m., Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Missouri Public Service Commission, Jefferson City, Mo., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-3269; Filed, Mar. 30, 1965; 8:47 a.m.]

[Notice 1147]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-66497. By order of March 23, 1965, Division 3, acting as an Appellate Division approved the transfer to Gale Heavy Haul, Inc., Troy, Mich., of Certificate in No. MC-47024, issued May 27, 1941, to Frank E. Thompson, Pontiac, Mich., authorizing the transportation of: Heavy machinery, between points in the Lower Peninsula of Michigan. A. Stewart Kerr, 1600 Dime Building, Detroit, Mich., 48226, attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-3270; Filed, Mar. 30, 1965; 8:47 a.m.]

[Notice 1147-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), 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-67521. By order of March 24, 1965, the Transfer Board approved the transfer to J. D. Leonard, Inc., York, Pa., of the operating rights issued by the Commission May 25, 1951, and February 21, 1957, under Certificates Nos. MC-1540 and MC-1540 (Sub-No. 13), respectively, to Joseph Daniel Leonard, York, Pa., authorizing the transportation, over irregular routes, of furniture, between York, Pa., and points in Pennsylvania within 25 miles of York, on the one hand, and, on the other, Grand Rapids, Mich., Cleveland, Ohio, Baltimore, Md., and points in Pennsylvania, Massachusetts, Connecticut, New Jersey, Delaware, part of New York, and those in the District of Columbia; new furniture, from Gettysburg, Pa., to Washington, D.C., Baltimore, Md., Wilmington, Del., and points in New York, and New Jersey; new furniture, uncrated, from Gettysburg, and Hanover, Pa., to points in Connecticut, Massachusetts, Rhode Island, Ohio, Virginia, and West Virginia, those in Delaware and Maryland (with exceptions) and those in the lower peninsula of Michigan; from points in York County, Pa., to points in Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, District of Columbia and those in Virginia within 15 miles of the District of Columbia; from points in 4 counties of New Jersey and those in the New York, N.Y., Commercial Zone, to points in Pennsylvania; between points in Pennsylvania within 25 miles of York, Pa., on the one hand, and, on the other, points in Rhode Island; damaged or rejected shipments of the above-specified commodities, from the above-specified destination points to the above-designated origin points; household goods, between York, Pa., and points in Pennsylvania within 25 miles of York, on the one hand, and, on the other, points in Maryland, Delaware, New York, New Jersey, and the District of Columbia; between York, Pa., and points within 25 miles of York, other than Harrisburg and Lancaster, Pa., on the one hand, and on the other, points in Virginia, West Virginia, Ohio, Michigan, Indiana, and Illinois; pianos, between York, Pa., on the one hand, and, on the other, New York, N.Y., Newark, N.J., and the District of Columbia; mattresses, studio couches, and springs, from Elizabeth, N.J., to points in that part of Pennsylvania as described; glass products, from Hoboken, N.J., to Gettysburg, Pa; steel furniture, kitchen cabinets, utility cabinets, and portable floor utility cabinets, uncrated, from Baltimore, Md., to points in Pennsylvania, West Virginia, Ohio, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts; and damaged shipments of the above-described commodities, from points in Pennsylvania, West Virginia, Ohio, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts to Baltimore, Md. Basil A. Shorb, 101 East Market Street, York, Pa., attorney for applicants.

No. MC-FC-67542. By order of March 24, 1965, the Transfer Board approved the transfer to Mary S. Jones, doing business as Jones Transfer, Post Office Box 355, Fairmont, N.C., of the operating rights issued by the Commission January 10, 1941, and January 16, 1948, under Certificates Nos. MC-30655 and MC-30655 (Sub-No. 3), respectively, to Wilber Jones, doing business as Jones Transfer, Fairmont, N.C., authorizing the transportation, over irregular routes of livestock and agricultural commodities, from Fairmont, N.C., and places within 50 miles thereof, to Washington, D.C., Baltimore, Md., and Philadelphia, Pa.; brick, tile, and lumber from Blue Brick and Marion, S.C., to Fairmont, N.C., and points in North Carolina within 50 miles of Fairmont, fertilizer and fertilizer materials, from Wilmington and Navassa, N.C., to Fairmont, N.C. and points in North Carolina and South Carolina within 50 miles of Fairmont; general commodities, except household goods, and other specified exceptions, between Fairmont, N.C., and points in North Carolina within 50 miles of Fairmont, on the one hand, points in North Carolina; between points in North Carolina, on the one hand, and, on the other, Richmond, Norfolk, and Danville, Va., and points in South Carolina north and east of a line beginning at the South Carolina shore and extending along Winyah Bay to Georgetown, thence west along U.S. Highway 521 to Sumter, thence northeast along U.S. Highway 15 to the North Carolina-South Carolina State line, including points on the indicated portions of the highways specified; household goods, between Fairmont, N.C., on the one hand, and, on the other, points in South Carolina; veneer and plywood, from Fairmont, N.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Virginia, and the District of Columbia; veneer, from Chadbourn, N.C., to points in Maryland, New Jersey, New York, Pennsylvania, South Carolina, and Virginia; and rejected or damaged shipments in the above-specified commodities, from the above-specified destination points to the above-described origin points.

No. MC-FC-67618. By order of March 24, 1965, the Transfer Board approved the transfer to Pirkle Refrigerated Freight Lines, Inc., Cudahy, Wis., of certificates in Nos. MC-111375 (Sub-No. 1), MC-111375 (Sub-No. 2), MC-111375 (Sub-No. 3), MC-111375 (Sub-No. 4), MC-111375 (Sub-No. 5), MC-111375 (Sub-No. 6), MC-111375 (Sub-No. 8), MC-111375 (Sub-No. 10), and MC-111375 (Sub-No. 12), issued August 11, 1954, April 20, 1959, June 21, 1960, April 24, 1961, May 15, 1962, July 10, 1964, July 18, 1963, July 18, 1963, and December 26, 1963, to Otto Pirkle, doing business as Pirkle Refrigerated Freight Lines, Cudahy, Wis., authorizing the transportation of: Meats, meat products and meat byproducts, from Madison, Wis., to Los Angeles, San Francisco, and San Diego, Calif., and from Cudahy, Wis., to Las Vegas, Nev.; cheese, from Fond du Lac and Mayville, Wis., to Los Angeles, and San Francisco, Calif.; from points in Wisconsin to Phoenix, Ariz., Las Vegas, Nev., and Los Angeles, San Francisco, San Jose, San Diego, Sunnyvale, and Sacramento, Calif., and from Thayne, Wyo., to Monroe, Wis.; cheese and cheese products, from points in Wisconsin, to Albuquerque, N. Mex., Salt Lake City, Utah, Pocatello, Idaho, and Reno, Nev.; dairy products, from Lincoln, Ill., Rochester, Ind., Van Wert, Ohio, Delevan, and New York, N.Y., and Monroe, Marathon, Green Bay, Portage, Marshfield, Plymouth, and Kaukauna, Wis., to points in Oregon, Washington, Idaho, and Montana; fresh meat, cut up, in racks, from Chicago, Ill., to Phoenix and Tucson, Ariz., Las Vegas and Reno, Nev., and Salt Lake City, Utah; frozen fruits and vegetables, from points in California to Chicago, Ill., and Milwaukee, Wis.; pickles and sauerkraut, in vehicles equipped with mechanical refrigeration, from Waterloo, Wis., to Roswell, N. Mex., and Los Angeles, San Diego, and San Francisco, Calif.; horseradish, from Brunswick, Wis., to Albuquerque, N. Mex., Salt Lake City, Utah, Pocatello, Idaho, Las Vegas, and Reno, Nev., Phoenix and Tucson, Ariz., and Los Angeles and San Francisco, Calif.; food seasoning compounds, from Wausau, Wis., to Phoenix, Ariz., Salt Lake City, Utah, Pocatello, Idaho, Portland, Oreg., Spokane and Seattle, Wash., and Fresno, Sacramento, Los Angeles, San Francisco, San Diego, Oakland, and San Leandro, Calif.; and pastries and confections, from Monroe, Wis., to Los Angeles and San Francisco, Calif. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill., 60602, attorney for applicants.

No. MC-FC-67622. By order of March 24, 1965, the Transfer Board approved the transfer to Don Hemsted's Van & Storage, Inc., Redding, Calif., of the operating rights in the Certificate in No. MC-102992, and the right evidenced by a Certificate of Registration in No. MC-102992 (Sub-No. 2), issued October 26, 1943, and July 22, 1964, respectively, to Don Hemsted, doing business as Hemsted's Van & Storage, Redding, Calif., authorizing transportation under the said Certificate of household goods, between points in Tehama, Shasta, Trinity, and Siskiyou Counties, Calif.; general commodities, excluding household goods and commodities requiring special equipment, between Redding, Calif., on the one hand, and, on the other, points in Tehama, Shasta, Trinity, and Siskiyou Counties, Calif.; and catalogues, between points in Tehama, Shasta, Trinity, Siskiyou, Lassen, and Modoc Counties, Calif., and those in Plumas County, Calif., as specified, on the one hand, and, on the other, points in Tehama, Shasta, Trinity, and Siskiyou Counties; and such transportation under the said certificate of registration as authorized in the certificate of public convenience and necessity granted by the public Utilities Commission of the State of California in Decision No. 44624, dated August 8, 1950. J. Richard Townsend, 1010 Mills Building, San Francisco, Calif., 94104, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-3271; Filed, Mar. 30, 1965; 8:47 a.m.]

[Ex Parte No. 241]

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Publication of Service List

Pursuant to paragraph 4 of the fourth ordering paragraph of the order entered herein on July 29, 1964 (as modified by order dated October 19, 1964) there appears below an appendix containing the identities of all persons parties to this proceeding upon whom service of the verified statements and other pleadings must be served.

The absence from this service list of many of the respondents suggests that the provision for notification of the Secretary by those persons intending to actively participate in this proceeding may have been misunderstood. Therefore, if it is the intention of respondents not listed in the appendix to so participate, consideration will be given to any additional notifications to that effect which are filed with the Secretary prior to May 3, 1965.

The attention of all parties is again invited to paragraph 3 of the fourth ordering paragraph of the aforesaid order which reads in part as follows:

> To conserve time and avoid expense it is strongly urged that persons having common interests, endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; mere casual interest, however, does not justify participation, and will make the service of verified statements burdensome and impracticable. The Commission desires participation only by those who intend to take an active part in the proceeding.

It is ordered, That a copy of this order be served upon each respondent; upon each person listed in the appendix below; and upon the Public Utility Commissions or Boards or similar regulatory bodies of each State; that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 24th day of March, A.D. 1965.

By the Commission, Commissioner Murphy.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

NAMES AND ADDRESSES OF PERSONS REPRESENTING RESPONDENTS

John C. Ashton, Jr., General Attorney, St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis 1, Mo.

James A. Bistline, General Solicitor, Southern Railway System, Box 1808, Washington 13, D.C.

Richard R. Bongartz, General Attorney, The Pennsylvania Railroad Co., 1138 Transportation Center, 6 Penn Center Plaza, Philadelphia, Pa., 19104

S. R. Brittingham, Jr., The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill., 60604

Robert D. Brooks, General Solicitor, The New York Central System, 466 Lexington Avenue, New York, N.Y., 10017

Charles W. Burkett, General Solicitor, Southern Pacific Co., San Francisco, Calif., 94105

James I. Collier, Jr., General Counsel, The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C., 20036

Clifford T. Coomes, Assistant General Solicitor, Louisville & Nashville Railroad Co., 908 West Broadway, Louisville, Ky., 40201

William E. Davis, Vice President and General Counsel, The Kansas City Southern Railway Co., 114 West 11th Street, Kansas City, Mo., 64105

Frank S. Farrell, General Solicitor, Northern Pacific Railway Co., 1018 Northern Pacific Building, St. Paul, Minn., 55101
James A. Gillen, General Attorney and Commerce Counsel, 547 West Jackson Boulevard, Chicago, Ill., 60606
J. W. Grady, General Commerce Counsel, The N.Y., N.H. & H. R.R. Co. (Richard Joyce Smith, William J. Kirk, and Harry W. Dorigan, Trustees), New Haven, Conn.
John W. Hanifin, Assistant General Counsel, The C & O Railway Co., 3100 Terminal Tower, Cleveland, Ohio, 44101
Eldon Martin, Vice President and General Counsel, 547 West Jackson Boulevard, Chicago, Ill., 60606
F. J. Melia, Vice President and Western General Counsel, Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr., 68102
Thormund A Miller, General Attorney, Southern Pacific Co., 205 Transportation Building, Washington, D.C., 20006
Carl E. Newton (Trustee of the N.Y., N.H. & H. Railroad), Donovan Leisure, Newton & Irvine, 2 Wall Street, New York, N.Y., 10005
Rowland Posey, Solicitor, Western Maryland Railway Co., 300 Saint Paul Place, Baltimore, Md., 21202
Earl F. Requa, Vice President and General Counsel, Northern Pacific Railway Co., 1018 Northern Pacific Building, St. Paul, Minn., 55101
T. J. Slattery, Assistant General Counsel, Great Northern Railway Co., 175 East Fourth Street, St. Paul, Minn., 55101
Elmer B. Trousdale, Attorney, Great Northern Railway Co., 175 East Fourth Street, St. Paul, Minn., 55101
Granville Whittlesey, Jr. (Boston & Maine Railroad Co.), Donovan, Leisure, Newton & Irvine, 2 Wall Street, New York, N.Y., 10005
R. W. Yost, General Attorney (Missouri Pacific Railroad Co.), 210 North 13th Street, St. Louis, Mo., 63103

[F.R. Doc. 65-3272; Filed Mar. 30, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 26, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39649—*Ground barytes to Robstown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8708), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from specified points in Arkansas and Missouri, to Robstown, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 35 to Southwestern Freight Bureau, agent, tariff I.C.C. 4509.

FSA No. 39650—*Tin or terne plate to points in Alabama.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2771), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, in carloads, from specified points in Maryland, Ohio, Pennsylvania, and West Virginia, to Birmingham and North Birmingham, Ala.

Grounds for relief—Market competition.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-3264; Filed, Mar. 30, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

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