

FEDERAL REGISTER

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Pages 15055-15128



Agencies in this issue—

Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Register Administrative
Committee
Food and Drug Administration
General Services Administration
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Public Health Service
Reclamation Bureau
Securities and Exchange Commission
Veterans Administration

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Volume 79

UNITED STATES STATUTES AT LARGE

[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also in-

cluded are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 7—AGRICULTURE

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Order Amending Order, as Amended, Regulating Handling

§ 905.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations made in connection with the issuance of this order and each 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 20, 1966, upon proposed amendment of the marketing agreement, as amended, and to Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

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

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period August 1, 1965, through July 31, 1966, handled not less than 50 percent

of the volume of oranges (including Temple and Murcott Honey oranges), not less than 50 percent of the volume of grapefruit, not less than 50 percent of the volume of tangerines, and not less than 50 percent of the volume of tangelos covered by said amended order, as hereby further amended; and

(2) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the respective producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1965, through July 31, 1966), were engaged, within the production area specified in the aforesaid amended order, in the production for market of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, or tangelos; such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

(c) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to postpone such effective time until 30 days after publication (5 U.S.C. 1001-1011). The provisions of this order change the voting procedure used by the Growers Administrative Committee as a basis for recommending regulation of shipments of the so-called "Improved No. 2" or "Improved No. 2 Bright" grades of Florida grapefruit grown in Regulation Area I (Interior District) and Regulation Area II (Indian River District). It also defines such grades for regulation purposes. Shipments of grapefruit, grown in the production area, have already begun. Hence, for this order to be of maximum benefit during the 1966-67 marketing season, it should be made effective as soon as practicable. The provisions of this order are well known to producers and handlers. The hearing in connection therewith was held at Lakeland, Fla., on June 20, 1966, and the recommended decision and Secretary's decision were published in the FEDERAL REGISTER on August 25, 1966 (31 F.R. 11236; 31 F.R. 11553), and September 20, 1966 (31 F.R. 12445), respectively. Copies of the text of the amendatory order have been made available to all known producers and handlers; the provisions of this order do not impose any restrictions on handlers until regulations in accordance therewith are issued; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time of such regulations.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of said order, as amended and as hereby further amended, as follows:

1. Paragraph (b) of § 905.34 is revised to read as follows:

§ 905.34 Procedure of committees.

(b) For any decision or recommendation of either committee to be valid, five concurring votes shall be necessary: *Provided*, That the Growers Administrative Committee may recommend a regulation restricting the shipment of grapefruit grown in Regulation Area I or Regulation Area II which meet the requirements of the Improved No. 2 grade or the Improved No. 2 Bright grade only upon the affirmative vote of a majority of its members present from the regulation area in which such restriction would apply; and whenever a meeting to consider a recommendation for release of such grade is requested by a majority of the members from the affected area, the Growers Administrative Committee shall hold a meeting within a reasonable length of time for the purpose of considering such a recommendation. If after such consideration the requesting area majority present continues to favor such release for their area, the request shall be considered a valid recommendation and transmitted to the Secretary. The votes of each member cast for or against any recommendation made pursuant to this subpart shall be duly recorded. Each member must vote in person.

2. A new § 905.16 is added reading as follows:

§ 905.16 Improved No. 2 grade and Improved No. 2 bright grade.

"Improved No. 2 grade" and "Improved No. 2 Bright grade" mean grapefruit meeting all of the respective requirements of the U.S. No. 2 grade and the U.S. No. 2 Bright grade and those requirements of the U.S. No. 1 grade relating to shape (form) and color, as such requirements are set forth in the U.S. Standards for Grades of Florida Grapefruit (§§ 51.750-51.783 of this title) or as such standards may hereafter be amended.

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

Dated, November 28, 1966, to become effective upon publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12901; Filed, Nov. 30, 1966; 8:46 a.m.]

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

[Milk Order No. 3]

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

Order Amending Order

§ 1003.0 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 hereto; 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 Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearings 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 hearings have been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1966. 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 decision of the Assistant Secretary containing all amendment provisions of this order was issued November 23, 1966. 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 December 1, 1966, 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. (5 U.S.C. 553(d) (1966))

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to

sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, 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 Washington, D.C., 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:

In § 1003.50 the introductory text of paragraph (a) is revised to read as follows:

§ 1003.50 Class prices.

(a) *Class I price.* The Class I price from the effective date of this paragraph through March 1967 shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter and for April, May, and June 1967 shall be such price minus 10 cents.

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

Effective date. December 1, 1966.

Signed at Washington, D.C., on November 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12963; Filed, Nov. 30, 1966;
8:50 a.m.]

HANDLING OF MILK IN CERTAIN MARKETING AREAS; TRI-STATE ET AL.

Order Amending Order

7 CFR PART AND MARKETING AREA

1005	Tri-State.
1006	Upper Florida.
1008	Greater Wheeling.
1009	Clarksburg.
1011	Appalachian.
1012	Tampa Bay.
1031	Northwestern Indiana.
1032	Suburban St. Louis.
1033	Cincinnati.
1034	Dayton-Springfield.
1035	Columbus.
1036	Northeastern Ohio.
1038	Rock River Valley.
1039	Milwaukee.
1040	Southern Michigan.
1041	Northwestern Ohio.
1043	Upstate Michigan.
1044	Michigan Upper Peninsula.
1045	Northeastern Wisconsin.
1046	Louisville-Lexington-Evansville.
1047	Fort Wayne.
1049	Indianapolis.
1050	Central Illinois.
1051	Madison.
1062	St. Louis.
1063	Quad Cities-Dubuque.
1064	Greater Kansas City.
1065	Nebraska-Western Iowa.

1066	Sioux City, Iowa.
1068	Minneapolis-St. Paul, Minn.
1069	Duluth-Superior.
1070	Cedar Rapids-Iowa City.
1071	Neosho Valley.
1073	Wichita.
1075	Black Hills, S. Dak.
1076	Eastern South Dakota.
1078	North Central Iowa.
1079	Des Moines.
1090	Chattanooga.
1094	New Orleans.
1096	Northern Louisiana.
1097	Memphis.
1098	Nashville.
1101	Knoxville.
1102	Fort Smith.
1103	Mississippi.
1106	Oklahoma Metropolitan.
1108	Central Arkansas.
1125	Puget Sound.
1126	North Texas.
1131	Central Arizona.
1132	Texas Panhandle.
1133	Inland Empire.
1136	Great Basin.
1137	Eastern Colorado.
1138	Rio Grande Valley.

§ —.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 each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(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 above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* (1) It is hereby found and determined that good cause exists for making this order effective as provided herein, 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. (5 U.S.C., 553(d) (1966))

(2) The conditions in these markets are such that remedial action should be taken as soon as possible in the interest of maintaining milk supplies. Producers and handlers affected by this order should have assurance, at the earliest possible date, of the minimum level of Class I price herein provided. Any delay in informing interested parties will tend to make the price action ineffective.

(3) The decision of the Assistant Secretary containing all the provisions of this order was issued November 23, 1966. Therefore, the provisions of this order are known to handlers. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers.

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

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

(2) The issuance of this order, 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;

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Tri-State, Upper Florida, Greater Wheeling, Clarksburg, Appalachian, Tampa Bay, Southeastern Florida, Northwestern Indiana, Suburban St. Louis, Cincinnati, Dayton-Springfield, Columbus, Northeastern Ohio, Rock River Valley, Southern Michigan, Northwestern Ohio, Upstate Michigan, Northeastern Wisconsin, Louisville-Lexington-Evansville, Fort Wayne, Indianapolis, Central Illinois, Madison, St. Louis, Quad Cities-Dubuque, Kansas City, Nebraska-Western Iowa, Sioux City, Minneapolis-St. Paul, Duluth-Superior, Cedar Rapids-Iowa City, Neosho Valley, Wichita, Black Hills, Eastern South Dakota, Des Moines, Chattanooga, New Orleans, Northern Louisiana, Nashville, Knoxville, Mississippi, Oklahoma Metropolitan, Central Arkansas, Puget Sound, North Texas, Central Arizona, Texas Panhandle, Inland Empire, Great Basin, Eastern Colorado, and Rio Grande Valley marketing areas.)

(3) The issuance of the order amending the order is 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; and

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Fort Smith, Memphis, Michigan

Upper Peninsula, Milwaukee, North Central Iowa marketing areas.)

(4) The issuance of the order amending the order is favored by at least three-fourths 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 respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders as amended and as hereby further amended, as follows:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

Section 1006.50 is revised by adding the following sentence at the end thereof: "For the purpose of computing Class I prices from the effective date hereof the basic formula price shall be not less than: \$4.26 for computing Class I prices for December 1966, January and February 1967; \$4.15 for computing Class I prices for March and April 1967; \$4.05 for computing Class I prices for May, June, and July 1967."

PART 1032—MILK IN THE SUBURBAN ST. LOUIS MARKETING AREA

The last sentence of § 1032.50 is revised to read as follows: "For the purpose of computing Class I prices from the effective date hereof and through the months herein designated, or until such time as the Suburban St. Louis order may be amended and become effective as the redesignated Southern Illinois order, the basic formula price shall be not less than: \$4.26 for computing Class I prices through February 1967; \$4.15 for computing Class I prices for March and April 1967; \$4.05 for computing Class I prices for May, June, and July 1967."

PART 1005, ETC.—MILK IN THE TRI-STATE MARKETING AREA, ETC.

The last sentence in each of the amended sections specified below is revised to read as follows: "For the purpose of computing Class I prices from the effective date hereof the basic formula price shall be not less than: \$4.26 for computing Class I prices for December 1966, January and February 1967; \$4.15 for computing Class I prices for March and April 1967; \$4.05 for computing Class I prices for May, June, and July 1967."

7 CFR PART, MARKETING AREA, AND REVISED SECTION

1005; Tri-State; 1005.50.
1008; Greater Wheeling; 1008.50.
1009; Clarksburg; 1009.50.
1011; Appalachian; 1011.50.
1012; Tampa Bay; 1012.50.
1031; Northwestern Indiana; 1031.50.
1032; Suburban St. Louis; 1032.50.
1033; Cincinnati; 1033.50.
1034; Dayton-Springfield; 1034.50.
1035; Columbus; 1035.50.
1036; Northeastern Ohio; 1036.50.
1038; Rock River Valley; 1038.50.
1039; Milwaukee; 1039.50.

1040; Southern Michigan; 1040.50.
1041; Northwestern Ohio; 1041.50.
1043; Upstate Michigan; 1043.50.
1044; Michigan Upper Peninsula; 1044.50.
1046; Louisville-Lexington-Evansville; 1046.50.
1047; Fort Wayne; 1047.50.
1049; Indianapolis; 1049.50.
1050; Central Illinois; 1050.50.
1051; Madison; 1051.50.
1062; St. Louis; 1062.50.
1063; Quad Cities-Dubuque; 1063.50(a).
1064; Greater Kansas City; 1064.50.
1065; Nebraska-Western Iowa; 1065.50.
1066; Sioux City, Iowa; 1066.50.
1068; Minneapolis-St. Paul, Minn.; 1068.51.
1069; Duluth-Superior; 1069.50.
1070; Cedar Rapids-Iowa City; 1070.50(a).
1071; Neosho Valley; 1071.50.
1073; Wichita; 1073.50.
1075; Black Hills, S. Dak.; 1075.50.
1076; Eastern South Dakota; 1076.50.
1078; North Central Iowa; 1078.50(a).
1079; Des Moines; 1079.50(a).
1090; Chattanooga; 1090.50.
1094; New Orleans; 1094.50.
1096; Northern Louisiana; 1096.50.
1097; Memphis; 1097.50.
1098; Nashville; 1098.50.
1101; Knoxville; 1101.50.
1102; Fort Smith; 1102.50.
1103; Mississippi; 1103.50.
1106; Oklahoma Metropolitan; 1106.50.
1108; Central Arkansas; 1108.50.
1125; Puget Sound; 1125.50.
1126; North Texas; 1126.50.
1131; Central Arizona; 1131.50.
1132; Texas Panhandle; 1132.50.
1133; Inland Empire; 1133.50.
1136; Great Basin; 1136.51.
1137; Eastern Colorado; 1137.50.
1138; Rio Grande Valley; 1138.50.

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

Effective date. December 1, 1966.

Signed at Washington, D.C., on November 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12964; Filed, Nov. 30, 1966; 8:50 a.m.]

[Milk Order No. 13]

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

§ 1013.0 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 Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 23, 1966. 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 December 1, 1966, 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. (5 U.S.C. 553(d) (1966))

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

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

(2) The issuance of this order, 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 Southeastern Florida 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:

In § 1013.51, paragraph (a) is amended to read as follows:

§ 1013.51 Class prices.

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be \$7.25.

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

Effective date. December 1, 1966.

Signed at Washington, D.C., on November 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12966; Filed, Nov. 30, 1966; 8:50 a.m.]

[Milk Order No. 16]

PART 1016—MILK IN THE UPPER CHESAPEAKE BAY MARKETING AREA

Order Amending Order

§ 1016.0 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 Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearings 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 hearings have been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than December 1, 1966. 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 decision of the Assistant Secretary containing all amendment provisions of this order was issued November 23, 1966. 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 December 1, 1966, 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. (5 U.S.C. 553(d) (1966))

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

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

(2) The issuance of this order, 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 Upper Chesapeake Bay 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:

In § 1016.50 the introductory text of paragraph (a) is revised to read as follows:

§ 1016.50 Class prices.

(a) *Class I price.* The Class I price from the effective date of this paragraph through June 1967 shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter minus 10 cents.

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

Effective date. December 1, 1966.

Signed at Washington, D.C., on November 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12966; Filed, Nov. 30, 1966; 8:50 a.m.]

Sec.
1032.0 Findings and determinations.

Sec.	Findings and determinations.
1032.0	DEFINITIONS
1032.1	Act.
1032.2	Secretary.
1032.3	Department.
1032.4	Person.
1032.5	Cooperative association.
1032.6	Southern Illinois marketing area.
1032.7	Producer.
1032.8	Producer-handler.
1032.9	Handler.
1032.10	Distributing plant.
1032.11	Supply plant.
1032.12	Pool plant.
1032.13	Nonpool plant.
1032.14	Producer milk.
1032.15	Other source milk.
1032.16	Fluid milk product.
1032.17	Route.
1032.18	Chicago butter price.
1032.19	Reload point.
	MARKET ADMINISTRATOR
1032.20	Designation.
1032.21	Powers.
1032.22	Duties.
	REPORTS, RECORDS, AND FACILITIES
1032.30	Reports of receipts and utilization.
1032.31	Other reports.
1032.32	Payroll reports.
1032.33	Reports to cooperative associations.
1032.34	Records and facilities.
1032.35	Retention of records.
	CLASSIFICATION
1032.40	Skim milk and butterfat to be classified.
1032.41	Classes of utilization.
1032.42	Responsibility of handlers and reclassification of milk.
1032.43	Transfers and diversions.
1032.44	Computation of skim milk and butterfat in each class.
1032.45	Allocation of skim milk and butterfat classified.
1032.46	Shrinkage.
	MINIMUM PRICES
1032.50	Basic formula price.
1032.51	Class prices.
1032.52	Butterfat differentials to handlers.
1032.53	Location adjustments to handlers.
1032.54	Use of equivalent prices.
	APPLICATION OF PROVISIONS
1032.60	Producer-handlers.
1032.61	Plants subject to other Federal orders.

Sec. 1032.62 Obligations of handler operating a partially regulated distributing plant.

PRODUCERS

1032.70	Producers	Computation of the net pool obligation of each pool handler.
1032.71		Computation of the uniform price.
1032.72		Notification of handlers.
	PAYMENTS	
1032.80		Time and method of payment for producer milk.
1032.81		Butterfat differential to producers.
1032.82		Location differentials to producers and on nonpool milk.
1032.83		Producer-settlement fund.
1032.84		Payments to the producer-settlement fund.
1032.85		Payments out of the producer-settlement fund.
1032.86		Adjustment of accounts.
1032.87		Expense of administration.
1032.88		Marketing services.
1032.89		Adjustment of overdue accounts.

1032.90 Termination of obligations.

032.90	Termination of obligations.
MISCELLANEOUS PROVISIONS	
032.100	Effective time.
032.101	Suspension or termination.
032.102	Continuing obligations.
032.103	Liquidation.
032.104	Agents.
032.105	Separability of provisions.

AUTHORITY: The provisions of this Part 1032 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1032.0 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 gov-

erning 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 Southern Illinois 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:

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current business of interstate commerce or directly burdened, 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, 5 cents per hundred-weight or such lesser amount 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 § 1032.45(a) (4) and 8) and the corresponding steps of 1032.45(b); and

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

(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 assign 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 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 handling of milk in the Southern Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and hereby amended, as follows:

DEFINITIONS

§ 1032.1 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.).

§ 1032.2 Secretary.

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

§ 1032.3 Department.

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

§ 1032.4 Person.

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

§ 1032.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of

producers which the Secretary determines:
(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 be engaged in making collective sales, or marketing milk or its products for its members.

§ 1032.6 Southern Illinois marketing area.

"Southern Illinois marketing area" hereinafter called the "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

BASE ZONE

Bond.	Macoupin.
Calhoun.	Madison.
Christian.	Marion.
Clark.	Monroe.
Clay.	Montgomery.
Clinton.	Richland.
Coles.	St. Clair
Crawford.	(except
Cumberland.	Scott Military Reservation, East St.
Edwards.	Louis, Centreville.
Effingham.	Canleen and Stites
Fayette.	Townships and the
Greene.	city of Belleville).
Jasper.	Shelby.
Jefferson.	Wabash.
Jersey.	Washington.
Lawrence.	Wayne.

NORTHERN ZONE

Champaign.	Menard.
De Witt.	Morgan.
Douglas.	Moultrie.
Edgar.	Platt.
Logan.	Sangamon.
Maclean.	Vermillion.

SOUTHERN ZONE

Franklin.	Randolph.
Hamilton.	Saline.
Jackson.	White.
Perry.	Williamson.

§ 1032.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who 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 § 1032.14.

tion 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 § 1032.14.

§ 1032.8 Producer-handler.

"Producer-handler" means a person who:
(a) Operates a distributing plant and processes milk from his own farm production and who distributes all or a portion of such milk in the marketing area on a route but who receives no milk from other dairy farmers or fluid milk products from nonpool plants; *Provided*, That the skim milk and butterfat disposed of in the form of fluid milk products designated as Class I milk pursuant to § 1032.41 (a) does not exceed the skim milk and butterfat, respectively, in the form of milk from his own farm production, and in the form of fluid milk products from pool plants of other handlers, allowing for inventory derived from such sources; and
(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources, necessary to produce his own farm milk production.

§ 1032.9 Handler.

"Handler" means:
(a) Any person in his capacity as the operator of a pool plant;
(b) Any person in his capacity as the operator of a partially regulated distributing plant;
(c) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant pursuant to § 1032.14;
(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the first day of the month of delivery, shall notify in writing the marketer administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the 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 described in § 1032.61.

§ 1032.10 Distributing plant.

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

§ 1032.11 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1032.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class

I use of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the marketer administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section. For the months of February through August 1967, a supply plant may be a pool plant pursuant to this paragraph if it was a pool plant in each month from the effective date of this order through January 1967; and

(d) For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1032.14(b) (1), (2), and (3) by an operator of a pool plant.

§ 1032.13 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 (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 distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

§ 1032.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

- (a) Received during the month:
 - (1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1032.9(d); *Provided*, That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; and
 - (2) By a cooperative association as a handler pursuant to § 1032.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1032.41(b) (7) or as Class I shrinkage; or
 - (b) Diverted by a handler who is the operator of a pool plant or by a cooperative association pursuant to the following conditions:
 - (1) Milk of a producer diverted from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted;
 - (2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer;
 - (3) Milk of a producer diverted during the month as Class II milk from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section. *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;
 - (4) For pricing purposes, milk diverted pursuant to subparagraphs (2) and (3) of this paragraph shall be deemed to be received by the diverting handler at the

location of the plant to which diverted: *Provided*, That milk diverted pursuant to subparagraph (2) to a plant located less than 50 miles (by the shortest highway distance as determined by the market administrator) from the pool plant from which diverted, shall be deemed to be received by the diverting handler at the location of the plant from which diverted; and

(5) For pricing, purposes milk diverted pursuant to subparagraph (1) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

§ 1032.15 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;
 - (2) Producer milk; and
 - (3) Inventory of fluid milk products on hand at the beginning of the month;
 - (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; and
 - (c) Any disappearance of nonfluid milk products in a form in which they may be converted into a Class I product and which are not otherwise accounted for under the order.

§ 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk, concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers.

§ 1032.17 Route.

"Route" means a delivery (including disposition from a plant store or from a

distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet (a) other than a pool plant or a nonpool plant, or (b) a commercial food processor pursuant to § 1032.41(b) (2).

§ 1032.18 Chicago butter price.

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

§ 1032.19 Reload point.

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing, and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATION

§ 1032.20 Designation.

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

§ 1032.21 Powers.

- The market administrator shall have the following powers with respect to this part:
- (a) Administer its terms and provisions;
 - (b) Receive, investigate, and report to the Secretary complaints of violations;
 - (c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and
 - (d) Recommend amendments to the Secretary.

§ 1032.22 Duties.

The market administrator shall perform all the 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 on duty, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of his 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 the terms and provisions of this part;
- (c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;
- (d) Pay from the funds received pursuant to § 1032.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 1032.88 that are 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 submit such books and records to examination by the Secretary and such other persons as the Secretary may designate;
- (f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;
- (g) Verify all reports and payments of 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 person upon whose utilization the classification of skim milk and butterfat for such handler depends;
- (h) Publicly announce on or before:
 - (1) The 6th day of each month, the minimum price for Class I milk, pursuant to § 1032.51(a), and the Class I

port to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

§ 1032.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1032.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

- (a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;
- (b) On or before the 7th day after the end of the month (1) the total pounds of milk received from each producer together with the butterfat content of such milk, and (2) the amount or rate and nature of any deductions authorized by a cooperative association.

§ 1032.34 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, together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to §§ 1032.30 through 1032.33 and the payments required to be made pursuant to §§ 1032.80 through 1032.88.

§ 1032.35 Retention of records.

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

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1032.9(d); and

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

- (c) Each handler specified in § 1032.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and
- (d) Each handler operating a non-pool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1032.31 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.

§ 1032.32 Payroll reports.

- (a) On or before the 20th day after the end of the month, each handler operating a pool plant for each of his pool plants and each cooperative association which is a handler pursuant to § 1032.9 (c) or (d) shall report to the market administrator his producer payroll for that month, which shall show for each producer:

- (1) His name and, if not previously reported, post office address and farm location (county) for each producer;
 - (2) The total pounds of milk received from such producer;
 - (3) The plant at which such milk was received;
 - (4) The days for which milk was received from such producer;
 - (5) The average butterfat content of such milk; and
 - (6) The net amount of the handler's payment to each producer and cooperative association, together with the price paid and the amount and nature of any deduction.
- (b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1032.62(b) shall re-

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

§ 1032.30 Reports of receipts and utilization.

Not later than the 7th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for the preceding month:

- (a) Each handler operating a pool plant(s) shall report separately for each pool plant:
- (1) The quantities of skim milk and butterfat contained in:
- (i) Milk received directly from producers showing separately any milk of the handler's own farm production;
- (ii) Milk received from a cooperative association pursuant to § 1032.9(d);
- (iii) Fluid milk products received from other pool plants; and
- (iv) Other source milk;
- (2) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;
- (3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;
- (4) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and
- (5) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

- (b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1032.9 (c) or (d):
- (1) The quantities of skim milk and butterfat received from producers;
- (2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1032.9(c);

butterfat differential, pursuant to § 1032.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1032.51(b), and the Class II butterfat differential, pursuant to § 1032.52(b), both for the preceding month; and

(2) The 12th day after the end of each month, the uniform price, pursuant to § 1032.71, and the producer butterfat differential, pursuant to § 1032.81.

(1) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(j) The 12th day after the end of each month, report to each handler the amount and value of producer milk, amounts payable to or payable from the producer-settlement fund, and amounts due the administrative assessment and marketing service accounts;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1032.45(a) (9) and the corresponding step of § 1032.45(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;

(1) 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 § 1032.45 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid

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

(7) Contained in shrinkage of skim milk and butterfat, respectively, produced pursuant to § 1032.46(b) (1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1032.9 (c) and (d), not to exceed the quantities calculated pursuant to subdivisions (1) through (vii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1032.9(d)) and milk diverted in bulk tank lots pursuant to § 1032.14; plus

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

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) except that if the handler operating the pool plant files with the market administrator, prior to the 1st day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

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

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

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

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

§ 1032.40 Skim milk and butterfat to be classified.

All skim milk and butterfat to be reported by each handler pursuant to § 1032.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1032.41 through 1032.46.

§ 1032.41 Classes of utilization.

Subject to the conditions set forth in §§ 1032.42 to 1032.46 the classes of utilization shall be as follows:

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

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraphs (b) (2), (3), (4), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

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

(3) Not accounted for as Class II.

(b) *Class II milk.* Class II shall be: (1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises; (3) All skim milk and butterfat authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of bulk fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving the milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph the percentage shall be 2 percent); and

(8) In shrinkage of skim milk and butterfat assigned pursuant to § 1032.46 (b) (2).

§ 1032.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class: *Provided*, That in the case of milk delivered by a cooperative association in its capacity as a handler pursuant to § 1032.9(d) such responsibility shall be that of the plant operator receiving such milk; and

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 1032.43 Transfers and diversions.

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

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

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1032.45 (a) (9) and the corresponding step of § 1032.45 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1032.45(a) (4) and the corresponding step of § 1032.45 (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 § 1032.45(a) (8) and (9) and the corresponding steps of § 1032.45(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 in packaged form to a nonpool plant which is not an other order plant;

(d) 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, located more than 500 miles by the shortest highway distance as determined by the market administrator from the city hall of Vandalia, Ill., except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(e) 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, located not more than 500 miles, by the shortest highway distance as determined by the market administrator, from the city hall of Vandalia, Ill., 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 § 1032.30 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; and

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

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

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

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

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

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

(6) If the form in which any fluid milk product is transferred or diverted to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1032.41; and

(g) As Class II If diverted to another order plant if the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators and sufficient Class II utilization (or comparable utilization under such other order) is available in the other order plant for such assignment after assignment of milk transferred pursuant to paragraph (f) of this section subject to the rules of allocation of the other order.

§ 1032.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1032.30 (a) and (b) and compute the

total pounds of skim milk and butterfat, respectively, in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids. Such computations shall be as follows:

(a) If any fluid milk products to be allocated pursuant to § 1032.45(a) (8) or (9) were received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1032.45 and computation of obligation pursuant to § 1032.70 shall be based upon the combined utilization so computed;

(b) If no fluid milk products to be allocated pursuant to § 1032.45(a) (8) or (9) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1032.45 shall be made separately for each pool plant of the handler; and

(c) There will be computed for each cooperative association reporting pursuant to § 1032.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1032.14 amounts so determined shall be those used for computation pursuant to § 1032.45(c).

§ 1032.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1032.44, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1032.44(b) applies) 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 § 1032.41(b) (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 II milk, the lesser of the pounds remaining or two percent of such receipts; and

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

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

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

(5) 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 (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(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;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant in excess of similar

transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

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

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

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

(9) 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 (5) (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 § 1032.22(k); or

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

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II 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;

(10) Subtract from the pounds of skim milk remaining in each class the

pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1032.44(b) applies) according to the classification assigned pursuant to § 1032.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any 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 and § 1032.44(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1032.46 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1032.41 (b) (7); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1032.41 (b) (7).

MINIMUM PRICES

§ 1032.50 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 Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. However, for the purpose of computing the Class I price for each month from the effective date of

this order through March 1967, the basic formula price shall not be less than \$4.

§ 1032.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price applicable at plants located in the base zone shall, for the first 18 months beginning with the effective date of this provision, be the Class I price of Part 1062 of this chapter (St. Louis) minus 7 cents; (2) At pool plants located in the southern zone, the Class I price shall be 7 cents greater than the price computed pursuant to subparagraph (1) of this paragraph; and

(3) At plants located in the northern zone, the Class I price shall be 7 cents less than the price computed pursuant to subparagraph (1) of this paragraph; and

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

§ 1032.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1032.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat at a rate rounded to the nearest one-tenth cent, 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 0.115.

§ 1032.53 Location adjustments to handlers.

(a) For producer milk and other source milk which is classified as Class I at a pool plant located outside the marketing area, the price specified in § 1032.51(a) (1) for the base zone, shall be reduced 15 cents if such plant is 100 or more miles by the shortest highway distance, as determined by the market administrator from the nearer of the city or village limits of Alton, Robinson, or Vandalia, Ill., plus an additional 1.5 cents

for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided.* That the Class I price at a pool plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler shall be the Class I price applicable at a pool plant located in the northern zone; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1032.9(d), and the volume 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.

§ 1032.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1032.60 Producer-handlers.

Sections 1032.40 through 1032.54 and 1032.61 through 1032.90 shall not apply to a producer-handler.

§ 1032.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant qualified pursuant to § 1032.12(a) which meets the

requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Southern Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1032.12(a), which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk is disposed of during the month in the Southern Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Southern Illinois order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1032.62 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

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 or the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1032.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (for each pool plant when § 1032.44(b) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) With respect to producer milk received by a pool handler (excluding milk received by diversion from another pool plant), multiply the quantity in each class, as computed pursuant to § 1032.45(c) by the applicable class prices (adjusted pursuant to §§ 1032.52 and 1032.53) excluding in the case of a cooperative association as a handler pursuant to § 1032.9(d), milk received by it and delivered to the pool plant of another handler;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1032.45(a) (11) and the corresponding step of § 1032.45(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 § 1032.45(a) (6) and the corresponding step of § 1032.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1032.45(a) (3) and the corresponding step of § 1032.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) 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 § 1032.45(a) (4) and the corresponding step of § 1032.45(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at 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 § 1032.45(a) (8) and the corresponding step of § 1032.45(b).

§ 1032.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants located in the "base zone" as follows:

(a) Combine into one total the values computed pursuant to § 1032.70 for all handlers who filed the reports prescribed by § 1032.30 for the month and who made the payments pursuant to §§ 1032.80 and 1032.84 for the preceding month;

(b) Add an amount equal to the value of the net location and zone differentials (reductions minus increases) applicable to the uniform price pursuant to § 1032.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat con-

tent 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 § 1032.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to 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 § 1032.70(f);
- (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, June, and July, an amount equal to 10 cents per hundred weight on the total hundredweight of producer milk specified in paragraph (e) (1) of this section;

(i) Add during each of the months of October, November, and December, one-third 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.

§ 1032.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing:

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

(b) The uniform price computed pursuant to § 1032.71 and the butterfat differential computed pursuant to § 1032.81; and

(c) The amounts to be paid by such handler pursuant to §§ 1032.84, 1032.87, and 1032.88 and the amount due such handler pursuant to § 1032.85.

PAYMENTS

§ 1032.80 Time and method of payment for producer milk.

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

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

(2) On or before the 20th day of the following month to each producer, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

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

(ii) Less marketing service deductions made pursuant to § 1032.88;

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

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1032.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to § 1032.81.

In making payments for milk received from producers pursuant to § 1032.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of 1 percent by which the average

pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1032.5 or its duly authorized agent, which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing. Such handler shall, on or before the 18th day of the following month pay the cooperative association for milk received during the month from the producers-members of such association as determined by the market administrator an amount equal to not less than the amount due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such 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 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials;

(d) On or before the 18th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1032.9(d) shall pay such cooperative association for such milk at the uniform price adjusted by applicable butterfat and location adjustments; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5) (F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

§ 1032.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 1032.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of 1 percent by which the average

butterfat content of such milk is more or less than 3.5 percent, respectively, an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined by § 1032.52, dividing by the total butterfat in producer milk, and

§ 1032.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk, received at a pool plant located outside the marketing area, shall be reduced according to the location of the pool plant at the rates set forth in § 1032.53;

(b) In making payments pursuant to § 1032.80, the uniform price per hundredweight for producer milk received at pool plants located:

(1) In the southern zone shall be increased 7 cents; and

(2) In the northern zone shall be reduced 7 cents; and

(c) For purposes of computations pursuant to §§ 1032.84 and 1032.85 the weighted average price shall be adjusted at the rates, set forth in § 1032.53 or paragraph (b) of this section, applicable at the location of the nonpool plant from which the milk was received.

§ 1032.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," which shall function as follows: (a) All payments made by handlers pursuant to §§ 1032.62 (a) and (b), 1032.84, and 1032.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1032.85 and 1032.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1032.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1032.80 in accordance with the requirements of § 1032.71 (i).

§ 1032.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a han-

cler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

- (a) The sum of the net pool obligation computed pursuant to § 1032.70 for such handler;
- (b) The sum of:

- (1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1032.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1032.9(d) the value of milk delivered to pool plants of other handlers; 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 § 1032.70(f).

§ 1032.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1032.84(b) exceeds the amount computed pursuant to § 1032.84(a). The market administrator shall offset any payment due any handler against any payments due from such handler.

§ 1032.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys 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 as set forth in the provisions under which such error occurred.

§ 1032.87 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 § 1032.9(d) with respect to milk delivered

to pool plants) shall pay to the market administrator on or before the 20th 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 § 1032.45(a) (4) and (8) and the corresponding steps of § 1032.45(b); and
- (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1032.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1032.80, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th 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 such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers 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, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 20th day after the end of the month.

§ 1032.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to § 1032.84, § 1032.87, or

§ 1032.88 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

TERMINATION OF OBLIGATIONS

§ 1032.90 Termination of obligations.

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

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

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator, or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the 1st 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 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1032.100 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 § 1032.101.

§ 1032.101 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.

§ 1032.102 Continuing obligations.

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

§ 1032.103 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

made within the marketing area during the month.

1a. In § 1041.15 paragraphs (a), (b), and (c) (3) are revised to read as follows:

§ 1041.15 Producer milk.

(a) Received during the month at one or more pool plants from the producer, either directly or through a reload point, or caused to be delivered from the producer's farm to a pool plant(s) by a cooperative association.

(b) (1) Subject to the conditions set forth in subparagraph (2) of this paragraph, diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to be received by the diverting handler at the location of the plant from which it is diverted, if at least 15 days' production of the producer is delivered during the month to such plant or to other plants at which the same or a higher price applies and be priced at such location; otherwise milk diverted to other pool plants shall be deemed to be received at the plant to which diverted and be priced thereat.

(2) If producer milk is diverted to a pool plant more than 150 miles from the Toledo, Ohio, City Hall, by the shortest hard-surfaced highway distance as determined by the market administrator, it shall be priced at the location of the plant to which diverted.

(c) * * *

(3) Milk diverted to a nonpool plant located more than 150 miles from the Toledo, Ohio, City Hall, by the shortest hard-surfaced highway distance as determined by the market administrator, for the account of a handler operating a pool plant or for the account of a cooperative association shall be priced at the location of the nonpool plant to which diverted. Milk so diverted to a nonpool plant located within such 150-mile distance shall be priced at the location of the pool plant from which diverted.

2. Section 1041.16 is revised to read as follows:

§ 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or egg-milk, buttermilk, concentrated milk, egg-

tion 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 December 1, 1966, 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 sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, 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 Northwestern Ohio 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:

1. Section 1041.13(a) is revised to read as follows:

§ 1041.13 Pool plant.

(a) A distributing plant with route disposition during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition

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 Northwestern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator was issued October 6, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 17, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation.

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

§ 1032.104 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.

§ 1032.105 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.

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

Effective date. January 1, 1967.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12858; Filed, Dec. 30, 1966; 8:45 a.m.]

[Milk Order No. 41]

PART 1041—MILK IN THE NORTHWESTERN OHIO MARKETING AREA

Order Amending Order

§ 1041.0 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in

nos, sweet or sour cream, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream and yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, and evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form.

3. Section 1041.18 is revised to read as follows:

§ 1041.18 Route disposition.

"Route disposition" means a delivery of Class I milk pursuant to § 1041.41 (a) (including that custom-packaged for another person and disposition from a plant's dock, plant store, vendor, or vending machine) at retail or wholesale either directly or through any distribution point other than a plant.

4. A new § 1041.20 is added to read as follows:

§ 1041.20 Reload point.

"Reload point" means any location which is outside the Ohio counties specified in § 1041.53 and which is both 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, at which milk moved from the farm in a tank truck is transferred to another tank truck and is commingled with other such milk before entering a plant, except that reloading operations on the premises of a plant shall be considered to be part of such plant's operation.

5. In § 1041.27, paragraphs (g) and (j) (2) are revised to read as follows:

§ 1041.27 Duties.

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such means as he deems appropriate), at his discretion and un-

less otherwise directed by the Secretary, the name of any handler with respect to a pool plant under § 1041.13(a) from which route disposition during the month is less than 50 percent of receipts as specified in such paragraph, and the name of any handler the value of whose fluid milk products is not included in the computation of the uniform price because of failure to make reports pursuant to §§ 1041.30 and 1041.32, or payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85, and 1041.86.

(j) * * *
(2) By the 11th day after the end of each month, the uniform price computed pursuant to § 1041.71 and the butterfat differential computed pursuant to § 1041.72.

6. The introductory text of § 1041.30 is revised to read as follows:

§ 1041.30 Reports of receipts and utilization.

Each handler for each of his pool plants, and a cooperative association with respect to milk for which it is the handler, shall report to the market administrator each month. If mailed, such report shall be postmarked on or before the 6th day after the end of such month; or if otherwise delivered, it must be received at the office of the market administrator on or before the 7th day after the end of such month. The report shall be in the detail and on forms prescribed by the market administrator and shall reflect the quantities of skim milk and butterfat contained in:

7. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are revised to read as follows:

§ 1041.51 Class prices.

(a) *Class I milk price.* For the period from the effective date of this paragraph through March 1968, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below for the applicable month, subject to adjustment for location pursuant to § 1041.53:

August through March	\$1.32
April through July	\$1.09

8. Section 1041.53 is revised to read as follows:

§ 1041.53 Location adjustments to handlers.

(a) The price for Class I milk at a plant or reload point located outside the Ohio Counties of Allen, Auglaize, Crawford, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Morrow, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot, which is both more than 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, shall be the price computed pursuant to § 1041.51(a) reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant or reload point is from the nearest of the City Halls of Toledo, Mansfield, Marion, or Lima, Ohio. No location adjustment shall apply, however, at a plant or reload point which is nearer to the Public Square in Cleveland, Ohio, than the distance between such Cleveland location point and the City Hall at Mansfield, Ohio.

(b) Fluid milk products received by a handler at a pool plant from another pool plant or reload point shall be assigned for Class I location adjustment credit, at the appropriate distance rate as set forth in paragraph (a) of this section, to the extent that Class I milk (exclusive of producer milk diverted as Class I milk to nonpool plants) at the transferor-plant exceeds the sum of receipts at such plant directly from producers and any Class I milk assigned to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant or reload point at which the least location adjustment would apply.

(c) For the purpose of this section and § 1041.73, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as

determined by the market administrator.

9. In § 1041.73, paragraph (a) is revised to read as follows:

§ 1041.73 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1041.80, the uniform price at a plant or a reload point may be reduced on the basis of the applicable amount or rate for the location of such plant or reload point pursuant to § 1041.53;

10. In § 1041.80, paragraph (a) (1) and (2) and the introductory text of paragraph (c) are revised to read as follows:

§ 1041.80 Time and method of payment.

(1) On or before the last day of each month to each producer who had not discontinued shipping milk to such handler during the month, at not less than the uniform price for the preceding month minus 75 cents, adjusted by any amount that the Class I differential pursuant to § 1041.51(a) for the preceding month is greater or lesser than such differential for the current month, for the producer milk received during the first 15 days of the month:

(2) On or before the 16th day after the end of each month, at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73, and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph, for producer milk received during such month. If by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator; and

(c) In making payments for producer milk pursuant to this section, each handler shall furnish a supporting statement to each producer, or cooperative association in the case of member producers for whom payment is made pur-

or before the 13th day after the end of the month.		Sec. 1050.8 1050.9 1050.10 1050.11 1050.12 1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		Sec. 1050.80 1050.81 1050.82 1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Time and method of payment for producer milk. Butter differential to producers. Location differentials to producers and on nonpool milk. Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
14. Section 1041.86 is revised to read as follows:		1050.10 1050.11 1050.12 1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.80 1050.81 1050.82 1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Butter differential to producers. Location differentials to producers and on nonpool milk. Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
§ 1041.86 Expense of administration.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
On or before the 13th day after the end of each month, each handler shall make payment to the market administrator as his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight or such lesser amount as the Secretary may prescribe. The payment shall apply to all of the handler's receipts during the month of skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46 (a) (3), (a) (7) and the corresponding steps of § 1041.46(b). The payment shall apply also to the quantity of route disposition in the marketing area during the month of other source milk from a partially regulated distributing plant that exceeds Class I milk received during the month at such plant from pool plants and other order plants.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Effective date. December 1, 1966.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Signed at Washington, D.C., on November 28, 1966.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
GEORGE L. MEHREN, Assistant Secretary.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
[F.R. Doc. 66-12967; Filed, Nov. 30, 1966; 8:50 a.m.]		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
[Milk Order No. 50]		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Order Amending Order		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Findings and determinations.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
DEFINITIONS		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Act.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Department.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Person.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Cooperative association.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Central Illinois marketing area.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
Producer.		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
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The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
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The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
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The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050.17 1050.18 1050.19		1050.83 1050.84 1050.85 1050.86 1050.87 1050.88 1050.89		Payments to the producer-settlement fund. Payments out of the producer-settlement fund. Adjustment of accounts. Expense of administration. Marketing services. Adjustment of overdue accounts.		PAYMENTS	
The handler shall pay the amount deducted to the market administrator on		1050.13 1050.14 1050.15 1050.16 1050							

ucts from nonpool plants: *Provided*, That the skim milk and butterfat disposed of in the form of fluid milk products designated as Class I milk pursuant to § 1050.41(a) does not exceed the skim milk and butterfat, respectively, in the form of milk from his own farm production, and in the form of fluid milk products from pool plants of other handlers, allowing for inventory derived from such sources; and

(b) Assumes as his personal enterprise and risk the processing and distributing of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1050.9 Handler.

"Handler" means:

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

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

(c) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant pursuant to § 1050.14;

(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the 1st day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the 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 described in § 1050.61.

§ 1050.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are produced.

§ 1050.3 Department.
"Department" means the U.S. Department of Agriculture.

§ 1050.4 Person.

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

§ 1050.5 Cooperative association.

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

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

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1050.6 Central Illinois marketing area.

The "Central Illinois marketing area" hereinafter called the "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal governments located wholly or partially within such counties:

Cass. McDonough.
Ford. Peoria.
Fulton. Stark.
Knox. Tazewell.
Livingston. Warren.
Marshall. Woodford.
Mason.

§ 1050.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who 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 § 1050.14.

§ 1050.8 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production and who distributes all or a portion of such milk in the marketing area on a route but who receives no milk from other dairy farmers or fluid milk producers.

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 partially effective December 1, 1966, and fully effective January 1, 1967, 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. (5 U.S.C., 553(d) (1966))

(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 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 handling of milk in the Central Illinois marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1050.1 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.).

§ 1050.2 Secretary.

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

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, 5 cents per hundredweight or such lesser amount 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 § 1050.45(a) (4) and (8) and the corresponding steps of § 1050.45(b); and

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

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order partially effective not later than December 1, 1966, and fully effective not later than January 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued June 29, 1966, and the decision of the Acting Secretary containing all amendment provisions of this order was issued October 27, 1966. The provisions other than those relating to prices and payments must become effective prior to the effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to conform to all provisions of the order. The changes effected by this order will

essed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1050.11 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1050.12 Pool plant.

"Pool plant" means:

- (a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

- (1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

- (2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.9(d) during the months of August through February and 40 percent during all other months;

- (b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months;

- (c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention under the terms or provisions of an-

tion to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section.

For the months of February through August 1967, a supply plant may be a pool plant pursuant to this paragraph if it was a pool plant in each month from the effective date of this order through January 1967; and

- (d) For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1050.14(b) (1), (2), and (3) by an operator of a pool plant.

§ 1050.13 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 (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 distributed on routes in the marketing area during the month.

- (d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

§ 1050.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

- (a) Received during the month:
- (1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1050.9(d); *Provided*, That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of an-

other order issued pursuant to the Act shall not be producer milk; and

- (2) By a cooperative association as a handler pursuant to § 1050.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1050.41(b) (7) or as Class I shrinkage; or

- (b) Diverted by a handler who is the operator of a pool plant or by a cooperative association pursuant to the following conditions:

- (1) Milk of a producer diverted from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted;

- (2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer;

- (3) Milk of a producer diverted as Class II milk from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provision of an other order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer: *Provided*, That the milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

- (4) For pricing purposes milk diverted pursuant to subparagraphs (2) and (3) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant from which diverted: *Provided*, That milk diverted to a plant located more than 110 miles from the City Hall of Peoria, Ill. (by the shortest highway distance as determined by the market administrator), shall be deemed to be received by the diverting handler at the location of the plant to which diverted; and

- (5) For pricing purposes milk diverted pursuant to subparagraph (1) of this paragraph shall be deemed to be received

by the diverting handler at the location of the plant to which diverted.

§ 1050.15 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;

- (2) Producer milk; and

- (3) Inventory of fluid milk products on hand at the beginning of the month;

- (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; and

- (c) Any disappearance of nonfluid milk products in a form in which they may be converted into a Class I product and which are not otherwise accounted for under this order.

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated or condensed milk, and sterilized fluid milk products in hermetically sealed containers.

§ 1050.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet (a) other than a pool plant or a nonpool plant, or (b) a commercial food processor pursuant to § 1050.41(b) (2).

§ 1050.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily whole-

sale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1050.19 Reload point.

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATOR

§ 1050.20 Designation.

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

§ 1050.21 Powers.

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

- (a) Administer its terms and provisions;
- (b) Receive, investigate, and report to the Secretary complaints of violations;
- (c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and
- (d) Recommend amendments to the Secretary.

§ 1050.22 Duties.

The market administrator shall perform all the 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 on duty, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date

- (i) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be proportioned to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

- (j) The 12th day after the end of each month, report to each handler the amount and value of producer milk, amounts payable to or payable from the producer-settlement fund, and amounts due the administrative assessment and marketing service accounts;
- (k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1050.45(a) (9) and the corresponding step of § 1050.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

- (l) Report to the market administrator of the other order, as soon as possible after the 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 § 1050.45 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and
- (m) 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.

- (1) The quantities of skim milk and butterfat contained in:
- (i) Milk received directly from producers showing separately any milk of the handler's own farm production;
- (ii) Milk received from a cooperative association pursuant to § 1050.9(d);
- (iii) Fluid milk products received from other pool plants; and
- (iv) Other source milk;
- (2) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;
- (3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;
- (4) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and
- (5) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

- (b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1050.9 (c) or (d):
- (1) The quantities of skim milk and butterfat received from producers;
- (2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1050.9(c);
- (3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1050.9(d); and
- (4) Such other information with respect to receipts and utilization as the market administrator may prescribe;
- (c) Each handler specified in § 1050.9 (b) who operates a partially regulated

REPORTS, RECORDS, AND FACILITIES § 1050.30 Reports of receipts and utilization.

Not later than the 7th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for the preceding month:

- (a) Each handler operating a pool plant(s) shall report separately for each pool plant:
- (1) The quantities of skim milk and butterfat contained in:
- (i) Milk received directly from producers showing separately any milk of the handler's own farm production;
- (ii) Milk received from a cooperative association pursuant to § 1050.9(d);
- (iii) Fluid milk products received from other pool plants; and
- (iv) Other source milk;
- (2) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;
- (3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;
- (4) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and
- (5) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;
- (b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1050.9 (c) or (d):
- (1) The quantities of skim milk and butterfat received from producers;
- (2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1050.9(c);
- (3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1050.9(d); and
- (4) Such other information with respect to receipts and utilization as the market administrator may prescribe;
- (c) Each handler specified in § 1050.9 (b) who operates a partially regulated

distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(d) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1050.31 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.

§ 1050.32 Payroll reports.

(a) On or before the 20th day after the end of the month, each handler operating a pool plant for each of his pool plants and each cooperative association which is a handler pursuant to § 1050.9 (c) or (d) shall report to the market administrator his producer payroll for that month, which shall show for each producer:

- (1) His name and, if not previously reported, post office address and farm location (county) for each producer;
- (2) The total pounds of milk received from such producer;
- (3) The plant at which such milk was received;
- (4) The days for which milk was received from such producer;
- (5) The average butterfat content of such milk; and
- (6) The net amount of the handler's payment to each producer and cooperative association, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1050.62(b) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

§ 1050.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1050.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 7th day after the end of the month (1) the total pounds of milk received from each producer together with the butterfat content of such milk, and (2) the amount or rate and nature of any deductions authorized by a cooperative association.

§ 1050.34 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, together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to §§ 1050.30 through 1050.33 and the payments required to be made pursuant to §§ 1050.80 through 1050.88.

§ 1050.35 Retention of records.

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

CLASSIFICATION

§ 1050.40 Skim milk and butterfat to be classified.

All skim milk and butterfat to be reported by each handler pursuant to § 1050.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1050.41 through 1050.46.

§ 1050.41 Classes of utilization.

Subject to the conditions set forth in §§ 1050.42 to 1050.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I 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), (3), (4), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

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

(3) Not accounted for as Class II.

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

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk and butterfat authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of bulk fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(7) Contained in shrinkage of skim milk and butterfat, respectively, produced pursuant to § 1050.46(b) (1) for each pool plant and for each cooperative association in its capacity as a handler

pursuant to § 1050.9 (c) and (d), not to exceed the quantities calculated pursuant to subdivisions (i) through (vii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1050.9(d)) and milk diverted in bulk tank lots pursuant to § 1050.14; plus

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

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1050.9(d) except that if the handler operating the pool plant files with the market administrator, prior to the 1st day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

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

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

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving the milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in sub-

division (iii) of this subparagraph the percentage shall be 2 percent; and (8) In shrinkage of skim milk and butterfat assigned pursuant to § 1050.46 (b) (2).

§ 1050.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class: *Provided*, That in the case of milk delivered by a cooperative association in its capacity as a handler pursuant to § 1050.9(d) such responsibility shall be that of the plant operator receiving such milk; and

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 1050.43 Transfers and diversions.

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

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

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1050.45(a) (9) and the corresponding step of § 1050.45 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.45(a) (4) and the corresponding step of § 1050.45 (b), the skim milk and butterfat so transferred or diverted 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 § 1050.45(a) (8) and (9) and the corresponding steps of § 1050.45(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 in packaged form to a nonpool plant which is not an other order plant;

(d) 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, located more than 350 miles by the shortest highway distance as determined by the market administrator from the City Hall of Peoria, Ill., except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(e) 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, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall in Peoria, Ill., 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 § 1050.30 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 an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to 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; and

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

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

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

(3) If the operators of both the transferor and the transferee plants so request in the reports of receipts and utilization filed with their respective market

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

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

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

(6) If the form in which any fluid milk product is transferred or diverted 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 § 1050.41; and

(g) As Class II if diverted to an other order plant if the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators and sufficient Class II utilization (or comparable utilization under such other order) is available in the other order plant for such assignment after assignment of milk transferred pursuant to paragraph (f) of this section subject to the rules of allocation of the other order.

§ 1050.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1050.30(a) and (b) and compute the total pounds of skim milk and butterfat, respectively, in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with

such solids. Such computations shall be as follows:

(a) If any fluid milk products to be allocated pursuant to § 1050.45(a) (8) or (9) were received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1050.45 and computation of obligation pursuant to § 1050.70 shall be based upon the combined utilization so computed;

(b) If no fluid milk products to be allocated pursuant to § 1050.45(a) (8) or (9) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1050.45 shall be made separately for each pool plant of the handler; and

(c) There will be computed for each cooperative association reporting pursuant to § 1050.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1050.14 (a) (2) and (b) (2) and (3). The amounts so determined shall be those used for computation pursuant to § 1050.45(c).

§ 1050.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1050.44, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1050.44(b) applies) 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 § 1050.41(b) (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 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) Except for the first month this order is effective, subtract from the re-

maining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

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

(5) 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 (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such other pool handlers and in receipts in bulk from other order plants;

(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, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk

products in packaged form) on hand at the beginning of the month;

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

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

(9) 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 (5) (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 § 1050.22(k); or

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

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II 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;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1050.44(b) applies) according to the classification assigned pursuant to § 1050.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any 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 and § 1050.44(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1050.46 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1050.41(b) (7); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1050.41(b) (7).

MINIMUM PRICES

§ 1050.50 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 Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than \$4.

§ 1050.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* The Class I price applicable at plants at which no location

adjustment pursuant to § 1050.53 is applicable, shall, for the first 18 months beginning with the effective date of this provision, be the basic formula price for the preceding month plus \$1.39 during each of the months of August through November, \$0.99 during each of the months of March through June and plus \$1.19 in other months: *Provided*, That such price shall be reduced 24 cents by the Class I equivalent price factor (determined April 10, 1966, 31 F.R. 5685) applicable pursuant to Part 1062 of this chapter (St. Louis); and

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

§ 1050.52 **Butterfat differentials to handlers.**

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 1050.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

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

(b) *Class II price*. Multiply the Chicago butter price for the month by 0.115.

§ 1050.53 **Location adjustments to handlers.**

(a) For producer milk and other source milk which is classified as Class I at a pool plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Marshall, Livingston, Ford, and Iroquois, the price specified in § 1050.51(a) shall be reduced 7.5 cents if such plant is 50 or more miles by the shortest highway distance, as determined by the market administrator from the City Hall in Peoria, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from pro-

ducers and cooperative associations pursuant to § 1050.9(d), and the volume 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.

§ 1050.54 **Use of equivalent prices.**

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

APPLICATION OF PROVISIONS

§ 1050.60 **Producer-handlers.**

Sections 1050.40 through 1050.54 and 1050.61 through 1050.90 shall not apply to a producer-handler.

§ 1050.61 **Plants subject to other Federal orders.**

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Central Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I

(b) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which be assigned at the pool plant or other order

route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1050.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk is disposed of during the month in the Central Illinois marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Central Illinois order; and

(c) Any plant qualified pursuant to § 1050.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1050.62 **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 §§ 1050.30(c) and 1050.32(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 § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which be assigned 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 § 1050.70(f) and a credit in the amount specified in § 1050.84(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 §§ 1050.30(c) and 1050.32(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 § 1050.12 (b) and (c), 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 or the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1050.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (for each pool plant when § 1050.44(b) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) With respect to producer milk received by a pool handler (excluding milk received by diversion from another pool plant), multiply the quantity in each class as computed pursuant to § 1050.45 (c) by the applicable class prices (adjusted pursuant to §§ 1050.52 and 1050.53) excluding in the case of a cooperative association as a handler pursuant to § 1050.9(d), milk received by it and delivered to the pool plant of another handler;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1050.45(a)(11) and the corresponding step of § 1050.45(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 § 1050.45(a)(6) and the corresponding step of § 1050.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.45(a)(3) and the corresponding step of § 1050.45(b). If the Class I price for the current month is less than the Class I price for the pre-

ceding month the result shall be a minus amount;

(e) 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 § 1050.45(a)(4) and the corresponding step of § 1050.45(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at 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 § 1050.45(a)(8) and the corresponding step of § 1050.45(b).

§ 1050.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants at which no location adjustment pursuant to § 1050.53 is applicable as follows:

(a) Combine into one total the values computed pursuant to § 1050.70 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made the payments pursuant to §§ 1050.80 and 1050.84 for the preceding month;

(b) Add an amount equal to the sum of the location and zone differentials computed pursuant to § 1050.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1050.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to 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 § 1050.70(f);

(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, June, and July, an amount equal to 10 cents per hundredweight on the total hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add during each of the months of October, November, and December, one-third 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.

§ 1050.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing:

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

(b) The uniform price computed pursuant to § 1050.71 and the butterfat differential computed pursuant to § 1050.81; and

(c) The amounts to be paid by such handler pursuant to §§ 1050.84, 1050.87, and 1050.88 and the amount due such handler pursuant to § 1050.85.

PAYMENTS

§ 1050.80 Time and method of payment for producer milk.

(a) On or before the 20th day of the following month, each handler shall make payment to each producer for milk received from such producer during such month:

(1) An amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 1050.88;

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

(iii) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1050.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1050.5 or its duly authorized agent, which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing. Such handler shall, on or before the 18th day of the following month pay the cooperative association for milk received during the month from the producers-members of such association as determined by the market administrator an amount equal to not less than the amount due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such 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 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, subject to the appli-

cable location and butterfat differentials; and

(d) On or before the 18th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1050.9(d) shall pay such cooperative association for such milk at the uniform price adjusted by applicable butterfat and location adjustments.

§ 1050.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 1050.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, respectively, an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined by § 1050.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1050.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1050.53; and

(b) For purposes of computations pursuant to §§ 1050.84 and 1050.85 the weighted average price shall be adjusted at the rates set forth in § 1050.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1050.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" which shall function as follows: (a) All payments made by handlers pursuant to §§ 1050.62, 1050.84, and 1050.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1050.85 and 1050.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1050.71(h) shall be deposited in this fund and set aside as an

obligated balance until withdrawn to effectuate § 1050.80 in accordance with the requirements of § 1050.71(f).

§ 1050.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

- (a) The sum of the net pool obligation computed pursuant to § 1050.70 for such handler;
- (b) The sum of:
 - (1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1050.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1050.9(d) the value of milk delivered to pool plants of other handlers; 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 § 1050.70(f).

§ 1050.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1050.84(b) exceeds the amount computed pursuant to § 1050.84(a). The market administrator shall offset any payment due any handler against payments due from such handler.

§ 1050.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys 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 as set forth in the provisions under which such error occurred.

§ 1050.87 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 § 1050.9(d) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th 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 § 1050.45(a) (4) and (8) and the corresponding steps of § 1050.45(b); and
- (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1050.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 1050.80, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 20th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers 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, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative associa-

tion on or before the 20th day after the end of the month.

Any unpaid obligation of a handler pursuant to § 1050.84, § 1050.87, or § 1050.88 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

TERMINATION OF OBLIGATIONS

§ 1050.90 Termination of obligations.

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

- (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler 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 representative 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;

taken as soon as possible in the interest of maintaining milk supplies. Producers and handlers affected by this order should have assurance, at the earliest possible date, of the minimum level of Class I price herein provided. Any delay in informing interested parties will tend to make the price action ineffective.

(2) The decision of the Assistant Secretary containing all the provisions of this order was issued November 23, 1966. Therefore, the provisions of this order are known to handlers. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers.

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

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

(2) The issuance of this order, 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 this 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 Minneapolis-St. Paul, Minn., 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:

In § 1068.53 the provisions preceding the table are revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula, price for the preceding month computed pursuant to § 1068.51 plus an amount as follows: \$1 for July, August, September, October, and November; \$0.76 for other

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 Minneapolis-St. Paul, Minn., 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 conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

(b) *Additional findings.* (1) It is hereby found and determined that good cause exists for making this order effective December 1, 1966, 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. (5 U.S.C. 553(d) (1966)). The conditions in this market are such that remedial action should be

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

§ 1050.104 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.

§ 1050.105 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.

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

Effective date. Sections 1050.0 through 1050.46 and 1050.100 through 1050.105 shall be effective on and after December 1, 1966, and all of the remaining provisions shall be effective on and after January 1, 1967.

Signed at Washington, D.C., on November 23, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12855; Filed, Nov. 30, 1966; 8:45 a.m.]

[Milk Order No. 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Amending Order

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and

(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 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1050.100 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 § 1050.101.

§ 1050.101 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.

§ 1050.102 Continuing obligations.

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

§ 1050.103 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

months except that prior to July 1, 1967, \$0.86 shall be added to the basic formula price in lieu of the above amounts: *Provided*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio.

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

Effective date. December 1, 1966.

Signed at Washington, D.C., on November 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12968; Filed, Nov. 30, 1966; 8:50 a.m.]

[Milk Order 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area (7 CFR Part 1137), it is hereby found and determined that:

(a) The following provision in § 1137.7 (a) of the order no longer tends to effectuate the declared policy of the Act for the month of December 1966: "an amount equal to 50 percent or more of the total receipts of".

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

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

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

(3) A fully regulated handler has discontinued all of his retail routes in the market and now supplies packaged fluid milk products to other distributing pool plants along with continuing his wholesale routes disposition. This handler states that since sales of packaged fluid milk products to other distributing pool plants are not considered route disposition under this order, the normal seasonal decline in December in his wholesale route disposition will reduce his route sales to less than the 50 percent requirement. This would result in loss of pool plant status. A loss of pool plant status would impair the operation of this handler and reduce returns to dairy farmers delivering milk to his plant.

(4) This action will eliminate for the month of December 1966, the requirement that a distributing pool plant dis-

pose of 50 percent or more of its receipts of Grade A milk as fluid milk products on routes.

This action will permit continued distributing pool plant status for the plant of this handler with substantial Class I sales in the marketing area, until the matter of distributing pool plant standards can be reviewed at a public hearing.

(5) To qualify as a distributing pool plant in December a plant will be required to dispose of not less than 10 percent of Grade A receipts or 12,000 pounds per day, whichever is less, on routes in the marketing area.

(6) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (31 F.R. 14523). Petitioner for this action submitted views in support of the suspension of this provision. None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective December 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of December 1966.

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

Effective date: December 1, 1966.

Signed at Washington, D.C., on November 25, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-12935; Filed, Nov. 30, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-SO-13]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area, Transition Area, and Restricted Area

On August 11, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10695) stating that the Federal Aviation Agency was considering amendments which would alter Restricted Area R-4401, Camp Shelby, Miss., change the description of the continental control area, and alter the description of the Hattiesburg, Miss., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received, from the Air Transport Association of America, interposed no objection to the proposal.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective January 5, 1967, as hereinafter set forth.

1. In § 71.151 (29 F.R. 2047), Continental Control Area, R-4401, Camp Shelby, Miss., is added.

2. § 71.181 (29 F.R. 2149) Hattiesburg, Miss., is amended by deleting, "excluding the portion within R-4401."

3. Section 73.44 (29 F.R. 2319) R-4401, Camp Shelby, Miss., is amended to read as follows:

R-4401 CAMP SHELBY, MISS.

Boundaries. Beginning at latitude 31° 12' 54" N.; longitude 89° 11' 03" W.; to latitude 31° 11' 48" N.; longitude 89° 00' 00" W.; to latitude 31° 10' 15" N.; longitude 88° 56' 34" W.; to latitude 31° 09' 10" N.; longitude 88° 56' 34" W.; thence southwest along Mississippi State Highway Nr 15 to latitude 31° 04' 36" N.; longitude 88° 59' 24" W.; to latitude 31° 04' 36" N.; longitude 89° 11' 03" W.; to point of beginning.

Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.

Time of designation. As activated by NOTAMS at least 24 hours in advance. NOTAMS to contain information concerning deactivation of area.

Controlling agency. Federal Aviation Agency, Houston ARTC Center.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

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

Issued in Washington, D.C., on November 22, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-12884; Filed, Nov. 30, 1966; 8:45 a.m.]

[Airspace Docket No. 65-WA-54]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On August 26, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11320) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations which would modify the boundaries, the designated altitudes and the time of designation of Restricted Area R-3006, Townsend, Ga.

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 73 of the FARs is amended, effective January 5, 1967, as hereinafter set forth.

In § 73.30 (31 F.R. 2309) R-3006 Townsend, Ga., is amended to read as follows:

Boundaries. Beginning at latitude 31° 40' 30" N., longitude 81° 41' 55" W.; to latitude 31° 37' 35" N., longitude 81° 37' 10" W.; thence clockwise via the arc of a circle with a 5 nautical mile radius centered at latitude 31° 32' 50" N., longitude 81° 35' 20" W.; to latitude 31° 32' 40" N., longitude 81° 41' 10" W.; to latitude 31° 35' 30" N., longitude 81° 46' 00" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL within the circle with a 5 nautical mile radius centered at latitude 31° 32' 50" N., longitude 81° 35' 20" W. Surface to 9,000 feet MSL within the area beginning at latitude 31° 39' 20" N., longitude 81° 40' 00" W.;

to latitude 31°37'35" N., longitude 81°37'10" W.; thence counterclockwise along the arc of the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to point of beginning. Surface to 6,000 feet MSL within the area beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.

Time of designation. 0600 to 1800 e.s.t., Monday through Friday.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

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

Issued in Washington, D.C., on November 22, 1966.

WILLIAM E. MORGAN,

Acting Director, Air Traffic Service.

[F.R. Doc. 66-12885; Filed, Nov. 30, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-34]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to effect an editorial change to the time of designation of the El Centro, Calif., Restricted Area R-2510.

On October 4, 1966, a rule was published in the FEDERAL REGISTER reducing the upper limits of the designated altitudes of R-2510 from FL 1,000 to FL 500. We inadvertently overlooked a reference to FL 1,000 in the time of designation of this restricted area. Therefore, this amendment is issued to correct the above inconsistency.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as herein set forth.

In § 73.25 (31 F.R. 2299, 9865, 12922) R-2510 at El Centro, Calif., is amended as follows:

In the Time of Designation, "flight level 1,000." is deleted and "flight level 500." is substituted therefor.

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

Issued in Washington, D.C., on November 23, 1966.

WILLIAM E. MORGAN,

Acting Director, Air Traffic Service.

[F.R. Doc. 66-12886; Filed, Nov. 30, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-19]

PART 75—ESTABLISHMENT OF JET ROUTES

Realignment of Jet Routes

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to renumber present Jet Route

No. 41 to Jet Route No. 43 between Miami, Fla., and St. Petersburg, Fla., and to renumber present Jet Route No. 43 to Jet Route No. 41 between Key West, Fla., and St. Petersburg, Fla.

A considerable number of jet flights are exchanged daily between Miami and Atlanta, Ga. and, therefore, the renumbering of J-41 to J-43 will provide a single numbered jet route between these two points.

The jet route between Key West and St. Petersburg is primarily used by military aircraft destined for points northwest of Tallahassee, Fla.

These actions will simplify flight planning by pilots and the issuance of clearances by controllers.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 2, 1967, as hereinafter set forth.

Section 75.100 (31 F.R. 2346, 5287, 13940, 14393) is amended as follows:

1. In Jet Route No. 41 all before "Tallahassee, Fla.," is deleted and "From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg;" is substituted therefor.

2. In Jet Route No. 43 all before "Tallahassee, Fla.," is deleted and "From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg;" is substituted therefor.

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

Issued in Washington, D.C., on November 25, 1966.

H. B. HELSTROM,

Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12887; Filed, Nov. 30, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

ORGANIZATIONAL CHANGES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), and pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), Part 2 is amended in the following respects to reflect organizational changes in the Food and Drug Administration:

1. In § 2.171, a new item "Field Liaison Officer" is inserted after the second item

under "Office of the Commissioner" and the items under "Bureau of Regulatory Compliance" are revised. As amended, the affected portions read as follows:

§ 2.171 Washington headquarters.¹

OFFICE OF THE COMMISSIONER

Commissioner of Food and Drugs.
Deputy Commissioner of Food and Drugs.
Field Liaison Officer.
Hearing Examiner.
Associate Commissioner for Compliance.
Associate Commissioner for Science.
Assistant Commissioner for Administration.
Division of Financial Management.
Division of General Services.
Division of Management Systems.
Division of Personnel Management.
Assistant Commissioner for Education and Information.
Assistant Commissioner for Planning and Evaluation.
Office of Federal-State Relations.
Office of International Affairs.
Office of Legislative Services.
Office of Policy Management.

BUREAU OF REGULATORY COMPLIANCE

Division of Case Guidance.
Division of Program Operations.

2. Section 2.174 is revised to read as follows:

§ 2.174 Bureau of Drug Abuse Control field offices.

Food and Drug Administration, 1831 Peachtree Street NE., Atlanta, Ga. 30309.
Food and Drug Administration, 401 Water Street, Baltimore, Md. 21202.
Food and Drug Administration, John F. Kennedy Federal Building, Boston, Mass. 02203.
Food and Drug Administration, Engineering Building, 205 West Wacker Drive, Chicago, Ill. 60606.
Food and Drug Administration, 1114 Commerce Street, Dallas, Tex. 75202.
Food and Drug Administration, 1814 California Street, Denver, Colo. 80202.
Food and Drug Administration, U.S. Courthouse, 811 Grand Avenue, Kansas City, Mo. 64106.
Food and Drug Administration, 714 West Olympic Boulevard, Los Angeles, Calif. 90015.
Food and Drug Administration, 346 Broadway, New York, N.Y. 10013.

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

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 23, 1966.

JAMES L. GODDARD,

Commissioner of Food and Drugs.

[F.R. Doc. 66-12914; Filed, Nov. 30, 1966; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Confirmation of Effective Date of Order Listing Propylene Glycol Mono- and Diesters of Fats and Fatty Acids as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing propylene glycol mono- and diesters of fats and fatty acids as an op-

tional ingredient for use in or in conjunction with shortening in bread:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 5, 1966 (31 F.R. 12949). Accordingly, the amendment promulgated by that order will become effective December 4, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 21, 1966.

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

[F.R. Doc. 66-12915; Filed, Nov. 30, 1966;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 6A2047) filed by Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965, and other relevant material, has concluded that § 121.1009 of the food additive regulations should be amended to prescribe the safe use of polysorbate 80 as a solubilizing and dispersing agent for calcium caseinate in vitamin-mineral preparations.

Section 121.1009(c)(4) presently includes a provision for the use of polysorbate 80 as a solubilizing and dispersing agent in vitamin A preparations containing more than 30,000 units of vitamin A per dose. Such high potency vitamin A preparations are regarded as drugs, and not properly subject to regulation under section 409 of the Federal Food, Drug, and Cosmetic Act. It is concluded that the reference is § 121.1009(c)(4) to vitamin A preparations containing more than 30,000 units of vitamin A per dose should be deleted.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1009(c)(4) is revised to read as follows:

§ 121.1009 Polysorbate 80.

(c) * * *

(4) As a solubilizing and dispersing agent in:

(i) Vitamin-mineral preparations containing calcium caseinate in the absence of fat-soluble vitamins, whereby the maximum intake of polysorbate 80 shall not exceed 175 milligrams from the rec-

ommended daily dose of the preparations.

(ii) Fat-soluble vitamins in vitamin and vitamin-mineral preparations containing no calcium caseinate, whereby the maximum intake of polysorbate 80 shall not exceed 300 milligrams from the recommended daily dose of the preparations.

(iii) In vitamin-mineral preparations containing both calcium caseinate and fat-soluble vitamins, whereby the maximum intake of polysorbate 80 shall not exceed 475 milligrams from the recommended daily dose of the preparations.

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

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

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

Dated: November 23, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12916; Filed, Nov. 30, 1966;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SUCCISTEARIN (STEAROYL PROPYLENE GLYCOL HYDROGEN SUCCINATE)

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1795) filed by Procter and Gamble Co., 6000 Center Hill Road, Cincinnati, Ohio 45224, and other relevant material, has concluded that a food additive regulation should be issued to provide for the safe use of succistearin (stearoyl propylene glycol hydrogen succinate) as an emulsifier in or with certain foods as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1197 Succistearin (stearoyl propylene glycol hydrogen succinate).

The food additive succistearin (stearoyl propylene glycol hydrogen succinate) may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is the reaction product of succinic anhydride, fully hydrogenated vegetable oil (predominantly C₁₈ or C₂₀ fatty acid chain length), and propylene glycol.

(b) The additive meets the following specifications:

Acid number 50-150.

Hydroxyl number 15-50.

Succinated ester content 45-75 percent.

(c) The additive is used or intended for use as an emulsifier in or with shortenings and edible oils intended for use in cakes, cake mixes, fillings, icings, pastries, and toppings, in accordance with good manufacturing practice.

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

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

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

Dated: November 21, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12917; Filed, Nov. 30, 1966;
8:47 a.m.]

PART 121—FOOD ADDITIVES

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

TERPENE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1651) filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clariton, Pa. 15025, and other relevant material, has concluded that § 121.2503 of the food additive regulations should be revised as set forth below to provide for the safe use of certain beta-pinene terpene resins as components of polyolefin food-contact film. Therefore, pur-

suant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2503 is revised to read as follows:

§ 121.2503 Terpene resins.

The terpene resins identified in paragraph (a) of this section may be safely used as components of polypropylene film intended for use in contact with food, and the terpene resins identified in paragraph (b) of this section may be safely used as components of polyolefin film intended for use in contact with food;

(a) Terpene resins consisting of the hydrogenated polymers of terpene hydrocarbons obtainable from sulfate turpentine and meeting the following specifications: Drop-softening point of 113°-138° C.; iodine value less than 20.

(b) Terpene resins consisting of polymers of beta-pinene and meeting the following specifications: Acid value less than 1; saponification number less than 1; color less than 4 on the Gardner scale as measured in 50 percent mineral spirits solution.

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

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

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

Dated: November 21, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12920; Filed, Nov. 30, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

CELLOPHANE; COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition

(FAP 4B1399) filed by Carlisle Chemical Works, Inc., West Street, Reading, Ohio 45215, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance (identified below) as an optional component of paper and paperboard in contact with dry food and food-packaging cellophane. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72

(c) List of substances:

N,N'-Dioleylethylenediamine, N,N'-dilinoleylethylenediamine, and N-oleoyl-N'-linoleylethylenediamine mixture produced when tall oil fatty acids are made to react with ethylenediamine such that the finished mixture has a melting point of 212°-228° F., as determined by ASTM Method D 127-60, and an acid value of 10 maximum.

2. In § 121.2571(b)(2) by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

(b) ***

(2) ***

List of substances

N,N'-Dioleylethylenediamine, N,N'-dilinoleylethylenediamine, and N-oleoyl-N'-linoleylethylenediamine mixture produced when tall oil fatty acids are made to react with ethylenediamine such that the finished mixture has a melting point of 212°-228° F., as determined by ASTM Method D 127-60, and an acid value of 10 maximum.

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

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

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

Dated: November 21, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12919; Filed, Nov. 30, 1966; 8:47 a.m.]

Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended:

1. In § 121.2507(c) by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2507 Cellophane.

Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)

0.5 percent.

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 7B2092, 7B2093, 7B2094) filed by Velsicol Chemical Corp., Industrial Chemicals Division, 341 East Ohio Street, Chicago, Ill. 60611, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional optional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2520 (c)(5) is amended by inserting alphabetically in the list of substances new items, as follows:

§ 121.2520 Adhesives.

(c) ***
(5) ***

COMPONENTS OF ADHESIVES

Substances	Limitations
Benzyol benzoate	
Butyl benzoate	
Glyceryl tribenzoate	

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

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

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

Dated: November 22, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12918; Filed, Nov. 30, 1966;
8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Solder Kits, Outer Containers; Exemption From Labeling Requirements

The Commissioner of Food and Drugs has received a request, submitted pursuant to § 191.62, to exempt the outer retail containers of kits containing silver solder and flux from the requirements of the Federal Hazardous Substances Labeling Act. The Commissioner concludes that a complete warning on such outer containers is unnecessary for the adequate protection of the public health and safety within the conditions specified below.

Therefore, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 375; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (21 CFR 2.120; 31 F.R. 3008), § 191.63(a) is amended by adding thereto a new subparagraph (30), as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) * * *

(30) The outer retail containers of solder kits each consisting of a small tube of flux partially surrounded by a winding of wire-type cadmium-free silver solder are exempt from the labeling requirements of section 2(p)(1) of the act, provided that:

(i) The metal solder contains no cadmium and is not otherwise hazardous under the provisions of the act.

(ii) The tube of flux in the kit is fully labeled and in conformance with the act and regulations, and any accompanying literature which bears directions for use also bears all the information required by section 2(p) of the act.

(iii) The main panel of the outer container bears in type size specified in § 191.101 the following: The signal word, the statement of principal hazard or hazards, the statement "Keep out of the reach of children," or its practical equivalent, and instructions to read other cautionary instructions on the tube of flux within.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 375; 15 U.S.C. 1262)

Dated: November 21, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12921; Filed, Nov. 30, 1966;
8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration
PART 1—GENERAL PROVISIONS

Release of Information From Veterans Administration Records

1. In § 1.511, paragraphs (a) and (e) are amended to read as follows:

§ 1.511 Judicial proceedings generally.

(a) Where a suit has been threatened or instituted against the Government, or a prosecution against a claimant has been instituted or is being contemplated, the request of the claimant or his duly authorized representative for information, documents, reports, etc., shall be acted upon by the General Counsel in Central Office, or the Chief Attorney in

the field station, who shall determine the action to be taken with respect thereto. Where the files have been sent to the Department of Justice in connection with any such suit, the request will be referred to the Department of Justice, Washington, D.C., through the office of the General Counsel, for attention. In all other cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished as provided in paragraph (d) of this section; otherwise to the court only, and on an order of the court or subpoena duces tecum addressed to the Administrator of Veterans Affairs or the head of the field station in which the records desired are located requesting the same. The determination as to the action to be taken upon any order received in this class of cases shall be made by the service having jurisdiction over the subject matter in Central Office or the division having jurisdiction over the subject matter in the field station, except in those cases in which the records desired are to be used adversely to the claimant, in which latter event the order of the court or the subpoena will be referred to the General Counsel in Central Office or to the Chief Attorney in the field station for disposition.

(e) In suits by or against the Administrator under 38 U.S.C. 1820, the files pertaining to the loan guaranteed, insured, or made by the Veterans Administration may be made available by the General Counsel or the Chief Attorney subject to the usual rules of evidence.

2. Section 1.512 is revised to read as follows:

§ 1.512 Disclosure of loan guaranty information.

In general, the facts in loan guaranty files will be made available to any party privy to a loan guaranteed, insured or made by the Veterans Administration if deemed proper by a Loan Guaranty Officer or Chief Attorney. Information in the claims folder, insurance or other file, will be released to lenders or prospective lenders only in accord with these regulations: *Provided*, That the fact of adjudication of incompetency by court or rating board may be made known in appropriate circumstances to a lender or prospective lender.

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

These VA Regulations are effective date of approval.

Approved: November 23, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-12911; Filed, Nov. 30, 1966;
8:47 a.m.]

PART 1—GENERAL PROVISIONS**Release of Information From Veterans Administration Records**

In § 1.525(a), subparagraph (1) is amended to read as follows:

§ 1.525 Inspection of records by or disclosure of information to recognized representatives of organizations.

(a) (1) The accredited representatives of any of the organizations recognized under 38 U.S.C. 3402 holding appropriate power of attorney may, subject to the restrictions imposed by subparagraph (2) of this paragraph, inspect the claims, insurance and allied folders of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him to the claimant or, if the claimant is incompetent, to his legally constituted fiduciary. Under the same restrictions, it is permissible to release information from and permit inspection of loan guaranty folders in which a request for a waiver of the debt of a veteran or his spouse has been received, or where there has been a denial of basic eligibility for loan guaranty benefits. All other information in the files shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection with the presentation to officials of the Veterans Administration of the claim of the claimant. The heads of field stations and the directors of the services concerned in Central Office will each designate a responsible officer to whom requests for all files must be made, except that managers of centers with insurance activities will designate two responsible officials, recommended by the division chiefs concerned, one responsible for claims and allied folders and the other for insurance files. The term "claimant" as used in this subparagraph includes insureds.

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

This VA Regulation is effective date of approval.

Approved: November 23, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-12912; Filed, Nov. 30, 1966; 8:47 a.m.]

Title 42—PUBLIC HEALTH**Chapter I—Public Health Service, Department of Health, Education, and Welfare****SUBCHAPTER F—QUARANTINE INSPECTION, LICENSING****PART 73—BIOLOGICAL PRODUCTS****Additional Standards: Whole Blood (Human)**

On August 24, 1966, a notice of rule making was published in the FEDERAL

REGISTER (31 F.R. 11185-6) proposing to amend Part 73 of the Public Health Service Regulations to include additional standards to insure the safety, purity and potency of human blood for transfusion.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 30 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service Regulations are hereby adopted to become effective 30 days after the date of publication in the FEDERAL REGISTER.

1. In § 73.301, (a) is revised, the introductory text of (b) is revised, and a new subparagraph (7) is added to paragraph (b) and a new paragraph (f) to read as follows:

§ 73.301 Suitability of donor.

(a) *Method of determining.* The suitability of a donor as a source of Whole Blood (Human) shall be determined by a qualified physician or by persons under his supervision and trained in determining suitability. Such determination shall be made on the day of collection from the donor by means of medical history, a test for hemoglobin level, and such physical examination as appears necessary to a physician who shall be present on the premises when examinations are made, except that the suitability of donors may be determined when a physician is not present on the premises, provided the establishment (1) maintains on the premises, and files with the Division of Biologics Standards, a manual of standard procedures and methods, approved by the Director of the Division of Biologics Standards, that shall be followed by employees who determine suitability of donors, and (2) maintains records indicating the name and qualifications of the person immediately in charge of the employees who determine the suitability of donors when a physician is not present on the premises.

(b) *Qualifications of donor; general.* Except as provided in paragraph (f), a person may not serve as a source of Whole Blood (Human) more than once in 8 weeks. In addition, donors shall be in good health, as indicated in part by:

(7) Freedom of the arms and forearms from skin punctures or scars indicative of addiction to self-injected narcotics.

(f) *Qualifications; donations within less than 8 weeks.* A person may serve as a source of Whole Blood (Human) more than once in 8 weeks only if at the time of donation the person is examined and certified by a physician to be in good health, as indicated in part in paragraph (b).

2. Amend § 73.302 (a) and (e) to read as follows:

§ 73.302 Collection of the blood.

(a) *Supervision.* Blood shall be drawn from the donor by a qualified physician or under his supervision by assistants trained in the procedure. A physician shall be present on the premises when blood is being collected, except that blood may be collected when a physician is not present on the premises, provided the establishment (1) maintains on the premises, and files with the Division of Biologics Standards, a manual of standard procedures and methods, approved by the Director of the Division of Biologics Standards, that shall be followed by employees who collect blood, and (2) maintains records indicating the name and qualifications of the person immediately in charge of the employees who collect blood when a physician is not present on the premises.

(e) *Donor identification.* Each unit of blood shall be so marked or identified by number or other symbol as to relate it to the individual donor whose identity shall be established to the extent necessary for compliance with § 73.301.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: November 15, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: November 23, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-12927; Filed, Nov. 30, 1966; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT**Chapter 1—Federal Procurement Regulations****PART 1-10—BONDS AND INSURANCE****Subpart 1-10.2—Sureties on Bonds****PART 1-16—PROCUREMENT FORMS****Subpart 1-16.8—Miscellaneous Forms****Subpart 1-16.9—Illustrations of Forms****INDIVIDUAL SURETY AFFIDAVIT, REVISION OF STANDARD FORM 28**

These regulations prescribe a revised edition of Standard Form 28, Affidavit of Individual Surety. In general, the revisions incorporate changes based on experience and include current forms management techniques for simplified use as well as overall updating. In particular, the form has been revised to simplify the financial statement, clarify the instructions for preparation of the form, reflect the admission of Alaska and Hawaii to statehood, eliminate am-

biguity as to the qualifications of individual sureties outside the States of the United States, and assure protection of the Government's interest in the event there is any diminution in the assets of the individual surety.

Section 1-10.203(c) is revised to read as follows:

§ 1-10.203 Individual sureties.

(c) In order to ascertain the continuing acceptability of individual sureties, the official executing the Certificate of Sufficiency on the reverse of Standard Form 28 may be required to execute further certificates, as contemplated by Instruction 5 on that form, with such frequency as the agency may deem nec-

essary and appropriate. Further certificates indicating additional assets, or a new surety, may be required to assure protection of the Government's interest.

Section 1-16.801(a)(5) is revised to prescribe a revised edition of Standard Form 28, as follows:

§ 1-16.801 Bond forms.

(a) * * *

(5) Affidavit of Individual Surety (Standard Form 28, June 1966 Edition).

Section 1-16.901-28 is revised to illustrate the June 1966 edition of Standard Form 28, as follows:

§ 1.16.901-28 Standard Form 28: Affidavit of Individual Surety.

(a) Page 1 of Standard Form 28.

STANDARD FORM 28 JUNE 1966 EDITION GENERAL SERVICES ADMINISTRATION TED. PROC. REG. (41 CFR) 1-16.801		AFFIDAVIT OF INDIVIDUAL SURETY (See Instructions on Reverse)	
STATE OF _____		} \$:	
COUNTY OF _____			
I, the undersigned, being duly sworn, depose and say that I am one of the sureties to the attached bond; that I am a citizen of the United States (or a permanent resident of the place where the contract and bond are executed as provided in paragraph 3 of the Instructions on reverse), and of full age and legally competent; that I am not a partner in any business of the principal on the bond or bonds on which I appear as surety; that the information herein below furnished is true and complete to the best of my knowledge. This affidavit is made to induce the United States of America to accept me as surety on the attached bond.			
1. NAME (First, middle, last) (Type or print)		2. HOME ADDRESS (Number, Street, City, State, ZIP Code)	
3. TYPE AND DURATION OF OCCUPATION		4. NAME OF EMPLOYER (If self-employed, so state)	
5. BUSINESS ADDRESS (Number, Street, City, State, ZIP Code)		6. TELEPHONE NO.: HOME— BUSINESS—	
7. THE FOLLOWING IS A TRUE REPRESENTATION OF MY PRESENT ASSETS, LIABILITIES, AND NET WORTH AND DOES NOT INCLUDE ANY FINANCIAL INTEREST I HAVE IN THE ASSETS OF THE PRINCIPAL ON THE ATTACHED BOND:			
a. Fair value of solely owned real estate*		\$ _____	
b. All mortgages or other encumbrances on the real estate included in Line a		_____	
c. Real estate equity (subtract Line b from Line a)		_____	
d. Fair value of all solely owned property other than real estate*		_____	
e. Total of the amounts on Lines c and d		_____	
f. All other liabilities owing or incurred not included in Line b		_____	
g. Net worth (subtract Line f from Line e)		\$ _____	
*Do not include property exempt from execution and sale for any reason. Surety's interest in community property may be included if not so exempt.			
8. LOCATION AND DESCRIPTION OF REAL ESTATE OF WHICH I AM SOLE OWNER, THE VALUE OF WHICH IS INCLUDED IN LINE (a), ITEM 7 ABOVE			
Amount of assessed valuation of above real estate for taxation purposes: _____			
9. DESCRIPTION OF PROPERTY INCLUDED IN LINE (a), ITEM 7 ABOVE (List the value of each category of property separately)			
10. ALL OTHER BONDS ON WHICH I AM SURETY (State character and amount of each bond; if none, so state)			
11. SIGNATURE		12. BOND AND CONTRACT TO WHICH THIS AFFIDAVIT RELATES (Where appropriate)	
SUBSCRIBED AND SWORN TO BEFORE ME AS FOLLOWS:			
DATE OATH ADMINISTERED MONTH _____ DAY _____ YEAR _____		CITY _____ STATE (Or other jurisdiction) _____	
NAME AND TITLE OF OFFICIAL ADMINISTERING OATH (Type or print)		SIGNATURE _____	MY COMMISSION EXPIRES _____

28-103

(b) Page 2 of Standard Form 28.

CERTIFICATE OF SUFFICIENCY

I Hereby Certify, That the surety named herein is personally known to me; that, in my judgment, said surety is responsible, and qualified to act as such; and that, to the best of my knowledge, the facts stated by said surety in the foregoing affidavit are true.

NAME (Type or print)

SIGNATURE

OFFICIAL TITLE

ADDRESS (Number, Street, City, State, ZIP Code)

INSTRUCTIONS

1. This form shall be used whenever sureties on bonds to be executed in connection with Government contracts are individual sureties, as provided in governing regulations (see 41 CFR 1-10.203, 1-16.801, 101-45.3). There shall be no deviation from this form except as so authorized (see 41 CFR 1-1.009, 101-1.110).

2. A corporation, partnership, or other business association or firm, as such, will not be accepted as a surety, nor will a partner be accepted as a surety for co-partners or for a firm of which he is a member. Stockholders of a corporate principal may be accepted as sureties provided their qualifications as such are independent of their stockholdings therein. In arriving at the net worth figure in Item 7 on the face of this affidavit an individual surety will not include any financial interest he may have in the assets of the principal on the bond which this affidavit supports.

3. An individual surety shall be a citizen of the United States, except that if the contract and bond are executed in any foreign country, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, or any other territory or possession of the United States, such surety need only be a perma-

nent resident of the place of execution of the contract and bond.

4. The individual surety shall show net worth in a sum not less than the penalty of the bond by supplying the information required on the face hereof, under oath before a United States commissioner, a clerk of a United States Court, or notary public, or some other officer having authority to administer oaths generally. If the officer has an official seal, it shall be affixed. Otherwise the proper certificate as to his official character shall be furnished.

5. The certificate of sufficiency shall be signed by an officer of a bank or trust company, a judge or clerk of a court of record, a United States district attorney or commissioner, a postmaster, a collector or deputy collector of internal revenue, or any other officer of the United States acceptable to the department or establishment concerned. Further certificates showing additional assets, or a new surety, may be required to assure protection of the Government's interest. Such certificates must be based on the personal investigation of the certifying officer at the time of the making thereof, and not upon prior certifications.

(Back of SF 28 June 66)

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

Effective date. These regulations are effective November 25, 1966, but may be observed earlier if copies of the revised standard form are available.

Dated: November 22, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-12833; Filed, Nov. 30, 1966;
8:49 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.3—Sale of Personal Property

INDIVIDUAL SURETY AFFIDAVIT—REVISION OF STANDARD FORM 28

These regulations prescribe a revised edition of Standard Form 28, Affidavit of Individual Surety. In general, the revisions incorporate changes based on experience and include current forms management techniques for simplified use as well as overall updating. In particular, the form has been revised to simplify the financial statement, clarify the instructions for preparation of the form, reflect the admission of Alaska and Hawaii to statehood, eliminate ambiguity as to the qualifications of individual sureties outside the States of the United States, and assure protection of the Government's interest in the event there is any diminution in the assets of the individual surety. The revised edition of Standard Form 28 is illustrated in § 1-16.901-28, herein.

Section 101-45.304-11(a)(3) is revised to prescribe a revised edition of Standard Form 28, as follows:

§ 101-45.304-11 Deposit bonds.

(a) Standard forms. * * *

(3) Standard Form 28, Affidavit of Individual Surety, June 1966 Edition (see § 101-45.4908).

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

Effective date. These regulations are effective November 25, 1966, but may be observed earlier if copies of the revised standard form are available.

Dated: November 22, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

DEPOSIT OF EMPLOYMENT TAXES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, and which are received prior to December 16, 1966. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to provide revised rules for the deposit of certain employment taxes, paragraph (a)(1)(i) and (ii) of § 31.6302(c)-1 of the Employment Tax Regulations (26 CFR Part 31) is amended to read as follows:

§ 31.6302(c)-1. Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) Requirement—(1) In general. (i) Except as provided in paragraph (b) of this section and subdivision (ii) of this subparagraph, if during any calendar month other than the last month of a calendar quarter, the aggregate amount of taxes (as defined in subdivision (iii) of this subparagraph) exceeds \$100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank. Notwithstanding the provisions of this subdivision—

(a) Amounts required to be deposited for May 1966 may be deposited after June 15, 1966, but not later than June 20, 1966, if such amounts are combined with an amount required to be deposited under subdivision (ii) of this subparagraph for the first semimonthly period in June 1966, and

(b) Amounts required to be deposited under this subdivision (i) for January 1967 may be deposited after February 15, 1967, but not later than February 20, 1967, if such amounts are combined with an amount required to be deposited un-

der subdivision (ii) of this subparagraph for the first semimonthly period in February 1967.

(ii) This subdivision shall apply to taxes with respect to wages paid by an employer during February or March 1967 or during a calendar quarter thereafter if the aggregate of the taxes with respect to wages paid during any calendar month in the preceding calendar quarter exceeded \$2,500 in the case of such employer. This subdivision also applies to taxes with respect to wages paid by an employer during June 1966, during either of the last two calendar quarters in the calendar year 1966, or during January 1967, if the aggregate of the taxes with respect to wages paid during any calendar month in the preceding calendar quarter exceeded \$4,000 in the case of such employer. An employer shall deposit taxes to which this subdivision applies in a Federal Reserve bank within 3 banking days after the close of the semimonthly period during which the wages to which such taxes relate are paid. For purposes of this subdivision, "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th of such month. An employer will be considered to have complied with the requirements of this subdivision for a semimonthly period if—

(a) (1) His deposit for such semimonthly period is not less than 90 percent of the aggregate amount of the taxes for such period and (2) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month within 3 banking days after the 15th day of the following month;

(b) (1) His deposit for each semimonthly period in the month is not less than 45 percent of the aggregate amount of the taxes for the month, and (2) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month within 3 banking days after the 15th day of the following month; or

(c) (1) His deposit for each semimonthly period in the month is not less than 50 percent of the aggregate amount of the taxes for the preceding month, and (2) if the current month is other than the last month in a calendar quarter, he deposits any underpayment for such month within 3 banking days after the 15th day of the following month.

Subdivisions (b) and (c) of this subdivision (ii) shall not apply to any employer who normally pays in the first semimonthly period in each month more than 75 percent of the total wages paid during the month.

[F.R. Doc. 66-13016; Filed, Nov. 30, 1966; 11:02 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD

Identity Standards: Azodicarbonamide as Optional Ingredient

Notice is given that a petition has been filed by Wallace and Tiernan, Inc., 25 Main Street, Belleville, N.J. 07109, proposing that the standard of identity for bread (21 CFR 17.1) be amended by listing azodicarbonamide as an optional ingredient in bread. Azodicarbonamide is now permitted as an optional ingredient in flour (21 CFR 15.1(a)(7)) at levels not exceeding 45 parts per million. It is proposed that the amount of azodicarbonamide added to dough, including any quantity in the flour used, shall not exceed 45 parts per million by weight of the flour used. The proposal provides for the azodicarbonamide to be in a suitable carrier and also provides for the addition of tricalcium phosphate to such carrier as an anticaking agent.

Grounds set forth in the petition in support of the proposal are that azodicarbonamide is functionally effective as a dough-conditioning agent and that its use at the proposed level will provide the higher levels of oxidation needed in the continuous doughmaking-breadbaking process. Other advantages claimed are that bakers may purchase the same type flour for use in both the conventional and continuous baking processes; reduce the amount of other conditioning ingredients used; reduce the mixing time required; and incorporate higher levels of nonfat milk solids in bread than have heretofore been feasible.

Concurrently with the petition to amend the food standard, Wallace and Tiernan, Inc., has petitioned to amend the food additive regulation concerning azodicarbonamide (21 CFR 121.1085) to provide for its safe use as a dough-conditioning agent in bread.

With respect to listing azodicarbonamide as an optional ingredient in bread, it is proposed that § 17.1(a)(12) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(12) (i) Potassium bromate, calcium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(ii) Azodicarbonamide, complying with the requirements of § 121.1085 of this chapter, in a carrier consisting of starch (as permitted by and complying with the limitations prescribed in subparagraph (9) of this paragraph) to which tricalcium phosphate may be added as an anticaking agent; but the total quantity of azodicarbonamide, including any quantity in the flour used, is not more than 0.0045 part for each 100 parts by weight of flour used.

Due to cross-references, adoption of the proposed amendment to the standard for bread (§ 17.1) would have the effect of making azodicarbonamide a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2-17.5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: November 21, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12925; Filed, Nov. 30, 1966;
8:48 a.m.]

[21 CFR Part 130]

SUPPLEMENTAL NEW-DRUG APPLICATIONS

Permission To Effect Changes Prior to Approval

The National Academy of Sciences-National Research Council (NAS-NRC) is reviewing the claims of effectiveness for drugs cleared through the new-drug procedure from 1938 until October 10, 1962, to assist the Food and Drug Administration in determining whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration has pending before it, and continues to receive, supplemental new-drug applications covering many of these drugs.

The Commissioner of Food and Drugs finds that the approval of such supplemental applications may prejudice actions invoking section 505(e) of the act following consideration of reports from NAS-NRC. For this reason, the Food and Drug Administration will not approve such a supplemental application, unless it is readily apparent that the ap-

plication contains substantial evidence of the effectiveness and adequate evidence of the safety of the drug under all of the conditions of use recommended in the labeling, until a determination has been made that there are no grounds for invoking section 505(e) of the act, taking into account the report of the NAS-NRC.

Pending such a determination, the Food and Drug Administration may permit applicants to effect changes proposed in supplemental new-drug applications when it is found that such changes would otherwise be approvable, in addition to permitting changes as already provided for in § 130.9 (d) and (e) of the new-drug regulations.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that Part 130 be amended:

§ 130.4 [Amended]

1. By changing, as appropriate, the portion of Form FD-356 concerning supplemental applications to reflect the provisions of proposed § 130.9(g) set forth below. Form FD-356 is in paragraph (c) of § 130.4 Applications.

2. In § 130.9, by changing and redesignating the text of paragraph (g) as paragraph (h) and by adding a new paragraph (g), the affected portions reading as follows:

§ 130.9 Supplemental applications.

(g) In addition to making changes as permitted by paragraphs (d) and (e) of this section, an applicant may place into effect changes proposed in a supplemental new-drug application upon written notification from the Food and Drug Administration that such action is permitted, without approval of the supplemental application, pending a determination as to whether there are grounds for invoking section 505(e) of the act with respect to the drug that may take into account a report from the National Academy of Sciences-National Research Council. It will be the policy of the Food and Drug Administration to take no action against a drug or an applicant solely because changes that have been permitted in a written communication are placed into effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application.

(h) Except as provided in paragraphs (e) and (g) of this section, no provision of this section shall limit the authority of the Secretary or of the Commissioner to suspend or withdraw approval of a new-drug application in accord with the provisions of section 505(e) of the act or to initiate any other regulatory proceedings with respect to a drug or applicant under provisions of the act.

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: November 22, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-12926; Filed, Nov. 30, 1966;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-72]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate additional controlled airspace in the Colorado Springs, Colo., area.

Having completed a comprehensive review of the airspace structural requirements for Peterson Field, Colorado Springs, Colo., it has been determined that a 10,700-foot MSL transition area SW of Colorado Springs, and a 11,700-foot MSL transition area NW of Colorado Springs, are required to provide controlled airspace for radar vectoring of arriving and departing aircraft at Peterson Field.

Therefore, it is proposed to amend the Colorado Springs, Colo., transition area in § 71.181 (31 F.R. 2173) to read as follows:

COLORADO SPRINGS, COLO.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 38°30'00" N., on the west by longitude 104°52'00" W., on the north by latitude 39°05'00" N., on the east by a line 4 n.m. west of and parallel to the Hugo, Colo., VOR 011° and 185° radials, on the southeast by the southeast boundary of V-108S and longitude 104°00'00" W.; that airspace northwest of Colorado Springs bounded on the north by latitude 39°05'00" N., on the east by longitude 104°52'00" W. and on the southwest by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial; that airspace southwest of Colorado Springs, extending upwards from 10,700 feet MSL, bounded on the west by longitude 105°08'00" W., on the north by latitude 38°36'00" N., on the east by longitude 104°52'00" W., and on the south by the north edge of V-244, excluding the airspace within the Pueblo, Colo., transition area; and that airspace NW of Colorado Springs, extending upwards from 11,700 feet MSL, bounded on the south by latitude 38°55'00" N., on the west by longitude 105°20'00" W., on the N by latitude 39°05'00" N., and on the east by longitude 104°52'00" W., excluding the portion northeast of a line 5 miles southwest of and parallel to the

1el to the Colorado Springs VORTAC 307° radial and that airspace within Federal Airways.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation 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.

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

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

Issued in Los Angeles, Calif., on November 22, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-12888; Filed, Nov. 30, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-83]

FEDERAL AIRWAYS

Proposed Extension

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Agency which would extend VOR Federal airways Nos. 47 and 493.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. 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. The proposal 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 office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes the following airspace actions:

1. Extend V-47 from Salem, Mich., with a 1,200-foot AGL floor to the intersection of the Salem 027° T (030° M) and Flint, Mich., 118° T (121° M) radials at which point it would terminate. This extended airway segment would be utilized as an arrival and departure route for aircraft operating between the Pontiac, Mich., Airport and the Salem VORTAC.

2. Extend V-493 from Carleton, Mich., with a 1,200-foot AGL floor to Flint via the intersection of the Carleton 327° T (330° M) and the Flint 202° T (205° M) radials. This extended airway segment would provide an additional route for air traffic operating between the Detroit, Mich., terminal area and either Lansing, Mich., or Flint.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on November 25, 1966.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 66-12889; Filed, Nov. 30, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17007, RM-1012; FCC 66-1073]

TELEVISION BROADCAST STATION, PIERRE, S. DAK.

Table of Assignments; Pierre, S. Dak.

1. The Commission has before it for consideration a petition for rule making (RM-1012) filed August 9, 1966, by KSOO-TV, Inc., licensee of Station KSOO-TV, Sioux Falls, S. Dak., requesting the assignment of Channel 4 to Pierre, S. Dak.

2. The capital of South Dakota, Pierre, with its population of 10,088, is located in Hughes County which contains 12,725 residents.¹ This state capital is located near the center of its state. The only channel presently assigned to Pierre is *10+ which is reserved for noncommercial educational use. Petitioner states, "Television service is received from only one commercial television station, KPLO-TV, Sioux Falls."

3. Although Pierre is the state capital, it has no local commercial service. The provision of a commercial channel to this community will provide the poten-

¹ Population figures are those of the 1960 U.S. Census.

tial for a first local television service on which information significant to the State concerning governmental, social, and economic activity can be disseminated. Channel 4 will not meet the minimum geographic separation requirements of the rules as measured to the standard reference point in Pierre, being only 168 miles from the transmitter site of KDUH-TV, Channel 4, Hay Springs, Nebr. However, if the transmitter is located approximately 22 miles to the north and east of Pierre, there would be no violation of the rules. The petitioner states that a Channel 4 facility could be built which would provide Pierre with a top quality principal city signal at a distance of only 24 miles from the farthest boundary of the city of Pierre, and that "If Channel 4 is assigned to Pierre, KSOO-TV, Inc., will make application for construction permit for a television station utilizing approximately 100 kw visual power and 1,000 feet above average terrain. The operation will be primarily as a satellite of KSOO-TV, Sioux Falls. The application will not propose any derogation to minimum mileage requirements." It is also proposed to change the offset of Channel 4 at Dickinson, N. Dak., to avoid an undesirable nonoffset condition.

4. In view of the above, the Commission is of the opinion that rule making should be instituted on the following proposal in order that all interested parties may submit their views and relevant data.

City	Channel No.	
	Present	Proposed
Pierre, S. Dak.	*10+	4, *10+
Dickinson, N. Dak.	2+, *4	2+, *4-

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before January 3, 1967, and reply comments on or before January 13, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

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

Adopted: November 23, 1966.

Released: November 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12948; Filed, Nov. 30, 1966; 8:50 a.m.]

¹ Commissioner Bartley absent and Commissioner Cox issuing a concurring statement filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-265; Order 27]

COMMISSIONER OF CUSTOMS

Order of Succession

NOVEMBER 25, 1966.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the Bureau of Customs, in the order of succession enumerated, shall act as Commissioner of Customs during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs;
2. The Assistant Commissioner of Customs, Office of Administration;
3. The Assistant Commissioner of Customs, Office of Investigations;
4. The Assistant Commissioner of Customs, Office of Operations;
5. The Assistant Commissioner of Customs, Office of Regulations and Rulings.

This order supersedes the order of succession established in Delegation Order No. 21, dated September 25, 1964 (T.D. 56275; 29 F.R. 13538).

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-12910; Filed, Nov. 30, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 924]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 21, 1966.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 924, for the withdrawal of the lands described below, from mineral location and entry under the mining laws, subject to existing valid claims.

The areas contain unique brick charcoal kilns which the applicant desires to preserve for historical purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BEAVERHEAD NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Trapper Creek Charcoal Kilns Area

T. 3 S., R. 10 W.,
Sec. 6, W $\frac{1}{2}$ of Lot 1.

Total area—21.85 acres.

Canyon Creek Charcoal Kilns Area

T. 2 S., R. 10 W.,
Sec. 8, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area—20 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 66-12890; Filed, Nov. 30, 1966; 8:45 a.m.]

[Serial No. N-279]

NEVADA

Proposed Classification of Public Lands; Correction

NOVEMBER 25, 1966.

Notice of proposed classification serial number Nevada 279 for retention for multiple use management was published as F.R. Doc. No. 66-12446 on pages 14655 and 14656 of the issue for November 17, 1966.

The legal description of the lands involved in paragraph 3 should be corrected, in part, to read:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 38 E.,
Secs. 20, 21, 29, lying within Churchill County.

T. 17 N., R. 38 E., unsurveyed,
Secs. 18, 19, 30, 31, lying within Churchill County.

Nolan F. Keil,
State Director, Nevada.

By: MARTIN W. BUZAN,
Acting State Director.

[F.R. Doc. 66-12891; Filed, Nov. 30, 1966; 8:45 a.m.]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 23, 1966.

Notice of a Bureau of Reclamation application, Wyoming 0210680, for withdrawal and reservation of lands for reclamation purposes in connection with the Seedsadee Project in Wyoming, was published as F.R. Doc. No. 62-8356, on page 8324 of the issue for August 21, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 112 W.,
Sec. 10, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$;
Sec. 20, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$;
Sec. 29;
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described aggregates 2,480 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on December 22, 1966, will be relieved of the segregative effect of the above-mentioned application.

ED PIERSON,
State Director.

[F.R. Doc. 66-12892; Filed, Nov. 30, 1966; 8:46 a.m.]

[Wyoming 2796]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 23, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number Wyoming 2796, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for reclamation purposes in connection with the Pathfinder Reservoir, North Platte Project, Wyo.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 84 W.,
Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 120 acres.

ED PIERSON,
State Director.

[F.R. Doc. 66-12893; Filed, Nov. 30, 1966;
8:46 a.m.]

Bureau of Reclamation

WHITMAN NATIONAL FOREST, OREGON

Order of Transfer of Administrative Jurisdiction of Land; Correction

In F.R. Doc. 66-12493, appearing on page 14696 of the issue for Friday, November 18, 1966, lines 5 and 6 of the penultimate paragraph should be changed from " * * * the Keechelus and Kachess Reservoir areas * * * " to " * * * the Mason Reservoir area * * * "

Dated: November 25, 1966.

N. B. BENNETT, Jr.,
Acting Commissioner of Reclamation.

[F.R. Doc. 66-12894; Filed, Nov. 30, 1966;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 10-B]

NATIONAL HIGHWAY SAFETY AGENCY

Organization and Functions

The following order was issued by the Under Secretary for Transportation on November 9, 1966.

SECTION 1. Purpose. The purpose of this order is to establish the National Highway Safety Agency, redelegate authorities to the Administrator thereof, and prescribe the organization of the Agency.

SEC. 2. Establishment of Agency. .01 Pursuant to the provisions of the Highway Safety Act of 1966 and the authority delegated the Under Secretary of Commerce for Transportation by the Secretary of Commerce in Department Order 10-A, issued October 20, 1966, the National Highway Safety Agency (hereinafter called the "Agency") is hereby established as a primary operating unit in the Department of Commerce.

.02 The Agency shall be headed by the Administrator, National Highway Safety Agency (hereinafter called the "Administrator"), who is appointed by the President by and with the advice and consent of the Senate.

.03 The Administrator shall report and be responsible to the Under Secretary for Transportation.

.04 The Administrator shall be assisted by a Deputy Administrator who shall perform the functions of the Administrator in the latter's absence or during a vacancy in the office.

SEC. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law and as delegated to the Under Secretary for Transportation by Department Order 10-A, issued October 20, 1966, the Administrator is hereby delegated authority to perform all the functions and exercise all the authorities of the Secretary under the Highway Safety Act of 1966, except that the authorities listed below are reserved to the Under Secretary for Transportation:

a. The authority granted by Title 23, United States Code (as amended by the Highway Safety Act of 1966) to:

(1) Promulgate, amend, modify, and revoke uniform standards for State highway safety programs as provided by section 402(a);

(2) Apportion the funds authorized to be appropriated to aid the States to conduct approved highway safety programs as provided by section 402(c);

(3) Submit to Congress the recommendations concerning a nondiscretionary formula for the apportionment of such funds as provided by section 402(c); and

(4) Direct the National Highway Safety Advisory Committee to meet as provided by section 404(c); and

b. Submit to Congress the report of all standards to be applied initially in carrying out section 402 of Title 23,

United States Code, required by section 203;

c. Submit to Congress the report of the study of the relationship between highway safety and the consumption of alcohol required by section 204;

d. Submit to Congress the report of the cost-estimate study required by section 207;

e. Submit to the President for transmittal to Congress the annual comprehensive report on the administration of this Act as required by section 202;

f. Issue, amend, and revoke rules and regulations which must be published in the FEDERAL REGISTER in carrying out the provisions of the Highway Safety Act of 1966;

g. Suspend the penalty of a 10 per centum reduction of Federal-aid highway funds apportioned to any State which does not have or is not implementing an approved highway safety program as provided in section 402(c) of Title 23, United States Code;

h. Determine which provisions of Chapter 1 of Title 23, United States Code are inconsistent with and therefore inapplicable to section 402 of this title as provided by section 402(d) of Title 23, United States Code; and

i. Take such action as may be required to assure that in approving projects on Federal-aid systems pursuant to Chapter 1 of Title 23, United States Code, priority is given to those projects which incorporate improved standards and features with safety benefits as provided by section 105(e) of Title 23, United States Code.

.02 The Administrator may redelegate any authority conferred on him by this order to any officer or employee of the National Highway Safety Agency, subject to such conditions in the exercise of such authority as the Administrator may prescribe.

SEC. 4. General functions. .01 The Agency is responsible for providing leadership and direction to a coordinated national highway safety program through financial assistance to the States to accelerate highway traffic safety programs, and for other purposes designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom.

.02 The Agency is responsible for assisting, cooperating with, and where appropriate, utilizing the facilities of other Federal departments and agencies and other public agencies, and cooperating with and assisting private industry and other interested parties to increase highway safety. In particular, the Agency shall assist the National Traffic Safety Agency, as herein provided or as otherwise requested by the latter agency, in carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966.

.03 For purposes of carrying out its functions, the Agency shall be organized as prescribed in the following sections of this order.

SEC. 5. Office of the Administrator.

.01 The Administrator shall direct the program and be responsible for conduct of all activities of the Agency.

.02 The Deputy Administrator shall assist the Administrator in all matters affecting the Agency and perform the functions of the Administrator in the latter's absence or during a vacancy in the office.

.03 The Traffic Safety Secretariat shall provide necessary executive secretariat services for the National Highway Safety Advisory Committee and such other committees as directed by the Administrator.

.04 The Assistant for International Affairs shall assist and advise the Administrator, or, as applicable, the head of the National Traffic Safety Agency, in activities that relate to international matters including those related to motor vehicles manufactured in foreign countries; the international exchange of technical and scientific information; and the development of international compatibility in traffic signs and driver licensing; and shall collaborate on these matters, as appropriate, with other agencies concerned with international affairs, including the Departments of State and Treasury, and the Office of the Assistant Secretary for Domestic and International Business of the Department of Commerce.

Sec. 6. General Staff. The following organizational components will perform indicated functions in relation to all program activities of the Agency, and, as applicable, on behalf of the National Traffic Safety Agency.

.01 The Office of Principal Scientist shall assist the Administrator in all scientific matters; provide scientific advice and consultative services to all research and applied programs of the Agency and of the National Traffic Safety Agency; and develop and implement means to broaden the base of scientific participation in traffic and highway safety research and development, toward which end it shall establish and maintain liaison and effective professional and technical relationship with public agencies, universities, foundations, scholarly and professional societies, and the scientific community at large. Disciplines represented in this office shall include engineering, public health research, sociology, medicine, psychology, economics, and mathematics and statistics.

.02 The Office of Program Planning shall develop and maintain up-to-date comprehensive program plans which will help assure that all activities contribute to Agency-wide objectives, and shall assist the National Traffic Safety Agency in the development and maintenance of program plans for its activities.

.03 The Office of Research Implementation shall evaluate and make appropriate recommendations as to the cost/effectiveness of highway and traffic safety techniques and practices; and analyze all research bearing on traffic and highway safety to propose actions and otherwise assure that knowledge and information are effectively implemented into practice in Federal, State, and community safety programs as quickly and completely as practicable.

.04 The Office of Public Affairs shall advise and assist the Administrator, and provide similar services to the head of the National Traffic Safety Agency in matters related to fully informing the public, members of Federal, State, and local governments, and members of relevant voluntary and industry groups as to programs and objectives of the two agencies; and develop and implement programs that create maximum public awareness and understanding of traffic and highway problems, techniques, and practices.

.05 The Office of Assistant Administrator for Administration shall provide staff services, advice, and consultation to officials and components of the Agency and of the National Traffic Safety Agency in the fields of budget formulation and execution; financial management; internal and external audit; organization and management planning, including the development and operation of management information systems; personnel management and training, including employee development and manpower management; security; internal and external investigations; contracting and procurement operations; and administrative services and facilities operations, including records, space, and property management. In addition, this office shall provide guidance and technical assistance to participating State, local, and other organizations in areas of financial and administrative management.

Sec. 7. Highway Safety Programs Service. The Highway Safety Programs Service, which shall be headed by the Director of Highway Safety Programs, shall assist each of the States to establish an approved highway safety program, and it shall develop uniform standards upon which such State programs will be based. In developing these uniform standards, the Service shall cooperate with the States, their political subdivisions, appropriate public and private organizations, and it shall consult with the National Highway Safety Advisory Committee and publish Committee's recommendations in connection with the issuance of such standards. In connection with the development of standards, the Service shall recommend to the Administrator the research, testing, and development required to provide the detailed scientific knowledge on which the standards will be based, and shall collaborate with the National Traffic Safety Institute in matters of mutual interest. The Service shall also provide specialized technical support and other assistance to the States and political subdivisions in incorporating relevant standards and techniques into their programs, evaluate State and local activities in these program areas for compliance with approved standards, and determine their eligibility for Federal financial assistance under the Highway Safety Act of 1966.

.01 The Office of Grants and Liaison shall provide a focal point for channeling communication of all technical, financial, and administrative matters between the Agency and the Governor of

each State, and within each State to appropriate agencies and officials of local government; and with particular reference to actions required by States and their political subdivisions, cooperate with and assist the National Traffic Safety Institute in performing its responsibility for maintaining a national accident record system and the National Driver Register. This office shall be comprised of several field liaison offices each of which shall have responsibility as designated by the Administrator for liaison with particular States and political subdivisions.

.02 The Office of Motor Vehicle Programs shall develop uniform standards and other guides for State highway safety programs relating to the registration, operation, and inspection of motor vehicles (including emergency vehicles, school buses, and motorcycles), and shall assist and evaluate the States and political subdivisions in the implementation of approved programs.

.03 The Office of Driver and Community Programs shall develop uniform standards and other guides for State highway safety programs relating to driver performance (including education, testing, examination, and licensing), to pedestrian performance, and to related laws, ordinances, traffic courts, and community safety activities. This office shall assist the States and the National Traffic Safety Institute in developing the National Driver Register.

.04 The Office of Driving Environment Programs shall develop uniform standards and other guides for State highway safety programs relating to the safety aspects of street and highway design and maintenance (including lighting, markings, and surface treatment), of traffic control (including devices and techniques for controlling movements of vehicles and pedestrians), and of the surveillance of traffic for detection and correction of high or potentially high accident locations. This office shall assist the States and political subdivisions in the implementation of approved programs.

.05 The Office of Systems Operation Programs shall develop uniform standards and other guides for State highway safety programs relating to emergency services (including medical care, transportation of the injured, and removal of debris from the roadway following an accident) and to accident investigations to determine the probable causes of accidents, injuries, and deaths. This office shall assist the States and the National Traffic Safety Institute in developing effective record system of accidents (including injuries and deaths resulting therefrom).

Sec. 8. National Traffic Safety Institute. The National Traffic Safety Institute, which shall be headed by a Director, shall conduct or sponsor such research, development, testing and evaluation projects as needed by the Agency to develop uniform standards for State highway safety programs and as needed by the National Traffic Safety Agency to develop Federal motor vehicle safety standards and a uni-

form quality grading system for motor vehicle tires; and to assist other components of the two agencies, at their request, in administering or enforcing the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 and the Highway Safety Act of 1966. The Institute shall also establish and maintain demonstration projects to facilitate incorporating improved safety technology into practice in the State and community highway safety programs as quickly as practicable; conduct or sponsor education and training programs for increasing the supply of qualified manpower required to implement effective traffic safety programs; develop, evaluate, and disseminate, as appropriate, statistical data relating to traffic safety; acquire and maintain a collection of publications and documents relating to traffic safety; and perform related work. These activities performed by the Institute shall include such applicable activities as will assist the National Traffic Safety Agency in carrying out the provisions of the National Traffic and Motor Vehicle Act of 1966. The Institute shall conduct for the head of the National Traffic Safety Agency a complete investigation of the need for a facility or facilities to conduct research, development and testing in traffic safety.

The Institute shall be comprised of the following organizational components with functions as shown:

.01 *The Office of Safety Manpower* shall plan and administer activities designed to increase the supply and improve the skill of all classes of manpower required to implement effective traffic safety programs at the Federal, State, and local levels including training schools for technicians in various program areas, short courses for the professional advancement of technical management personnel, and predoctoral and postdoctoral fellowship programs for safety research workers and research administrators.

.02 *The Office of Safety Demonstration Projects* shall initiate or support, maintain, and evaluate demonstration projects to facilitate the development, validation, and introduction into practice, by State or community agencies or private persons, or new and improved techniques related to traffic safety.

.03 *The National Traffic Safety Data Center* shall develop and keep current the statistical data base of the Agency with regard to drivers, vehicles, highways, accidents, and other variables required to identify and evaluate national traffic safety trends; develop systems and procedures for aggregating and interpreting at the national level the traffic safety data transmitted to it from State and local traffic data centers; provide for compatibility between its own operations and those of the State and local centers; in cooperation with the Highway Safety Programs Service, assist States and communities in the development and operation of their data centers; and maintain or provide for the maintenance of the national driver register and a national accident record system.

.04 *The National Traffic Safety Research Center* shall perform or sponsor, through contracts or grants or inter-agency transfer of funds, the research, development, testing and evaluation projects required to develop uniform standards for State highway safety programs; Federal motor vehicle safety standards; a uniform quality grading system for motor vehicle tires; and at the request of other components of the Agency and of the National Traffic Safety Agency, to assist such components in administering or enforcing the provisions of the Acts administered by the two agencies. The Center shall consult with appropriate officials of the two agencies and with the National Highway Safety Advisory Committee concerning these projects.

.05 *The National Traffic Safety Documentation Center* shall acquire and maintain a comprehensive collection of publications, research reports, training manuals, and other documents related directly or indirectly to any phase of traffic and highway safety; prepare or sponsor the preparation of documents and audiovisual aids, including films, for the dissemination of all types of traffic safety information to the general public, to schools, colleges, and universities, and to scientific, medical, legal, engineering, enforcement, licensing, and other relevant groups and individuals; and take the steps necessary to make the foregoing documents and aids widely available. Emphasis shall be placed, in addition, on the adaptation of scientific and technical materials for use by newspapers, magazines, radio and television programs, and by other popular media.

Sec. 9. *Legal Services.* The Agency shall utilize the services of the Office of the General Counsel in the Office of the Secretary for all legal services required by the Agency.

Effective date: November 9, 1966.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 66-12882; Filed, Nov. 30, 1966;
8:45 a.m.]

[Dept. Order 10-C]

NATIONAL TRAFFIC SAFETY AGENCY

Delegation and Functions

The following order was issued by the Under Secretary for Transportation on November 9, 1966.

SECTION 1. *Purpose.* The purpose of this order is to establish the National Traffic Safety Agency, delegate authorities to the Administrator thereof, and prescribe the organization of the Agency.

Sec. 2. *Establishment of Agency.* .01 Pursuant to the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and the authority delegated to the Under Secretary of Commerce for Transportation by the Secretary of Commerce in Department Order 10-A issued October 20, 1966, the National Traffic Safety Agency (hereinafter called the

"Agency") is hereby established as a primary operating unit of the Department of Commerce.

.02 The Agency shall be headed by the Traffic Safety Administrator (hereinafter called the "Administrator"), who is appointed by the President by and with the advice and consent of the Senate.

.03 The Administrator shall report and be responsible to the Under Secretary for Transportation.

.04 The Administrator shall be assisted by a Deputy Administrator who shall perform the functions of the Administrator in the latter's absence or during a vacancy in the office.

Sec. 3. *Delegation of Authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law and as delegated to the Under Secretary for Transportation by Department Order 10-A issued October 20, 1966, the Administrator is hereby delegated authority to perform all the functions and exercise all the authority of the Secretary under the National Traffic and Motor Vehicle Safety Act of 1966, with the exception of the authority reserved to the Secretary in Department Order 10-A and except that the authorities listed below are reserved to the Under Secretary for Transportation:

a. Issue, amend, modify, and revoke the Federal motor vehicle safety standards as provided by sections 103 and 105;

b. Issue, amend, modify, and revoke uniform Federal motor vehicle safety standards applicable to all used motor vehicles as provided by section 108;

c. Issue, amend, modify, and revoke orders permitting the sale of regrooved tires as provided by section 204;

d. Cooperate with the Secretary of the Treasury in the issuance of the joint regulations concerning the importation of motor vehicles and items of motor vehicle equipment as provided by section 108(b) (3) and 108(b) (4);

e. Submit to Congress the report of the study and investigation concerning used motor vehicles as provided by section 108(b) (1);

f. Submit to the Congress the report of the study and investigation of the need for research facilities as provided by section 302;

g. Submit to the President for transmittal to Congress the annual comprehensive report on the administration of this Act required by section 120;

h. Compromise civil penalties as provided by section 109; and

i. Issue, amend, and revoke rules and regulations which must be published in the FEDERAL REGISTER in carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966.

.02 The Administrator may redelegate any authority conferred on him by this order to any officer or employee of the National Traffic Safety Agency, subject to such conditions in the exercise of such authority as the Administrator may prescribe.

Sec. 4. *General functions.* .01 The Agency is responsible for providing leadership and direction to a coordinated national program for reducing traffic ac-

accidents and deaths and injuries to persons resulting from traffic accidents through the establishment of motor vehicle safety standards for motor vehicles and equipment in interstate commerce, through undertaking and support of necessary safety research and development, and through expanding the national driver register.

.02 The Agency is authorized to advise, assist, and cooperate with, other Federal departments and agencies, and State and other interested public and private agencies, in the planning and development of motor vehicle safety standards and of methods for inspecting and testing to determine compliance with motor vehicle safety standards. The Agency shall utilize the services, research and testing facilities of public agencies to the maximum extent practicable in order to avoid duplication; in particular, the Agency shall utilize the applicable services and resources of the National Highway Safety Agency.

.03 For purposes of carrying out its functions, the Agency shall be organized as prescribed in the following sections of this order.

SEC. 5. *Office of the Administrator.* The Administrator, assisted by the Deputy Administrator, shall direct the program and be responsible for all activities of the Agency.

SEC. 6. *Motor Vehicle Safety Performance Service.* The Motor Vehicle Safety Performance Service, headed by the Director thereof, shall carry out the program activities of the Agency which shall be organized as provided below.

.01 The *Office of Accident Avoidance* shall develop motor vehicle safety standards and perform related functions as they pertain to reducing the likelihood that motor vehicles become involved in accidents. Such standards shall cover vehicle safety performance properties that are directly related to the skills and other characteristics of the driver, the characteristics of the road, the characteristics of the vehicle itself, and the interactions between them. Accident avoidance performance qualities of vehicles include those related to the characteristics of their steering, braking, tires, and dynamic balance. This office shall develop a uniform quality grading system for motor vehicle tires.

.02 The *Office of Crash Injury Reduction* shall develop motor vehicle safety standards and perform related functions as they pertain to the protection in vehicular crashes of drivers and passengers inside vehicles, and pedestrians and cyclists outside the vehicles, including standards which deal with such factors as the collapse characteristics of vehicle chassis and bodies, the strength of seat and safety belt anchorages, and the energy attenuating characteristics of interior and exterior structures.

.03 The *Office of Post Crash Factors* shall develop motor vehicle safety standards and perform related functions as they pertain to the capability of motorists to escape from, or, if injured, to be

extricated from vehicles following crashes, including standards which deal with factors such as the tendency of doors and windows to become jammed in crashes, and the likelihood of fuel tank ruptures and fires after crashes.

.04 The *Office of Standards Proceedings* shall develop and prepare for issuance the procedures governing the development and issuance of motor vehicle safety standards and a uniform quality grading system for motor vehicle tires, including provisions assuring that the National Motor Vehicle Safety Advisory Council, the Vehicle Equipment Safety Commission, and other interested parties are afforded an opportunity to participate in the process by submitting data and expressing views. This office shall also prepare or provide for preparation of a transcript of the record and proceedings incident to the development of motor vehicle safety standards and shall furnish a certified copy to any interested party at his request.

.05 The *Office of Performance Analysis* shall conduct such activities as are required to assure compliance with the requirements of the Act and the prescribed motor vehicle standards, and in doing so shall develop and prepare for issuance the regulations governing the records manufacturers should be required to maintain and the reports and other information that should be required of them. This office shall conduct or provide for the tests, inspections, and investigations necessary to aid in the enforcement of the standards and quality grading system and shall develop information indicating noncompliance. This office also shall review reports of defects in motor vehicles and motor vehicle equipment and determine which defects are related to motor vehicle safety; prepare notification to manufacturers of safety-related defects or noncompliance with standards; direct the manufacturers to furnish appropriate notification to the purchasers of such motor vehicles or equipment; prepare for issuance the appropriate public disclosures of such information as will assist in the achievements of the purposes of the Act; and assist Counsel in the preparation and transmission of information

indicating noncompliance to the Attorney General or the Secretary of the Treasury.

SEC. 7. *Support services.* .01 The National Highway Safety Agency shall furnish the Agency with all administrative management and related support services required by the Agency to carry out its program, and shall provide such technical services and support, compatible with the functions of the National Highway Safety Agency, that are not prescribed herein for performance directly by the Agency.

.02 The Agency shall utilize the services of the Office of the General Counsel in the Office of the Secretary for all legal services required by the Agency.

Effective date: November 9, 1966.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 66-12883; Filed, Nov. 30, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 9557, 10288, 11771, 12651 and 13811) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Camp Packing Company, Inc., establishment 174, and the reference to cattle with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Laredo Packing Co.	91	(*)	(*)	(*)	(*)	(*)	
John Morrell & Co.	234	(*)					
B. Zell & Co.	548	(*)	(*)				
New establishments reporting: 3							
Glover Packing Co. of Amarillo	60		(*)				
Utica Veal Co., Inc.	88		(*)				
John Morrell & Co.	126				(*)		
Blue Ribbon Beef Packing, Inc.	244					(*)	
Pacific Meat Co., Inc.	267				(*)		
Frison Packing Co.	327		(*)				
Neuhoff Brothers	406			(*)	(*)		
Swift & Co.	508		(*)				
Species added: 9							

Done at Washington, D.C., this 28th day of November 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection,
Consumer and Marketing Service.

[F.R. Doc. 66-12934; Filed, Nov. 30, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Phosphamidon

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0546) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) in or on raw agricultural commodities, as follows:

1 part per million in or on apples, beans, grapefruit, lemons, oranges, tangerines.

0.75 part per million in or on broccoli, cauliflower, cucumbers.

0.5 part per million in or on cantaloup, peppers, potatoes, tomatoes, watermelon.

0.1 part per million in or on walnuts. The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique.

Dated: November 21, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12922; Filed, Nov. 30, 1966; 8:48 a.m.]

FEED SERVICE CORP.

Notice of Filing of Petition for Food Additive Propyl Alcohol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Feed Service Corp., Crete, Nebr. 68333, proposing the issuance of a regulation to provide for the safe use in feed and in oral liquid preparations of propyl alcohol for ruminants as a source of energy.

Dated: November 22, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12923; Filed, Nov. 30, 1966; 8:48 a.m.]

MICROBIOLOGICAL AND BIOCHEMICAL CENTER, SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

(b)(5)), notice is given that a petition (FAP 7A2122) has been filed by the Microbiological and Biochemical Center, Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y. 13210, proposing an amendment to paragraph (b)(2) of § 121.1179 *Coatings on fresh citrus fruit* to provide for the safe use in the formulation of coatings intended for use on fresh citrus fruit of (1) pentaerythritol ester of maleic anhydride-modified wood rosin having an acid number of 176-186, a drop-softening point of 110°-118° C., a saponification number of less than 280, and a color of M or paler, and (2) polyethylene glycol 400.

Dated: November 22, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-12924; Filed, Nov. 30, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17885]

ABC AIR FREIGHT CO., INC., ET AL.

Notice of Proposed Approval

Notice is hereby given pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 25, 1966.

J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

By application filed October 27, 1966, ABC Air Freight Co., Inc. (ABC-Air), ABC Freight Forwarding Corp. (Freight Forwarding), and ABC International, Inc. (International), request approval pursuant to section 408 of the Federal Aviation Act, as amended (the Act) of control relationships resulting from the acquisition by ABC-Air of all of the outstanding stock and/or any of the assets and liabilities of Freight Forwarding and International and their subsidiaries.¹

The application recites that ABC-Air is a domestic air freight forwarder; Freight Forwarding is a surface freight forwarder; and International is a customs broker which wholly owns Add Airfreight Corp. (N.Y.) (Add-N.Y.), an international air freight forwarder, among other subsidiaries. An individual, Arthur J. Brown, holds a controlling interest in each of the three applicant corporations. The existing control relationships thus described were approved by the Board in Orders E-19465 and E-20368, April 5, 1963, and January 15, 1964; the control relationship between Add-N.Y. and Add Air Freight del Peru, S.A., was exempted

¹ The application requests, in alternative relief, either an order exempting the applicants from section 408 of the Act, or a disclaimer of jurisdiction, and/or other relief, to the extent necessary for the proposed transaction.

from section 408 in Order E-24275, October 6, 1966.

The proposed acquisition transaction involves the purchase by ABC-Air, in exchange for shares of its stock, of the outstanding stock, assets, and liabilities of Freight Forwarding and International, and their subsidiaries. The acquisition would, for the purposes of the Act, leave the existing relationships essentially unchanged. Arthur J. Brown, controlling ABC-Air, would control the remaining two applicants through his control of ABC-Air, in place of his direct common control of all three. It is stated that the purpose of the transaction is to enable ABC-Air, which urgently requires additional financing, to avail itself of the liquidity of the other two corporations.²

It is further represented that, save for the described change in lines of control, there will be no change in the mode of operations of any of the companies involved.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, we have concluded that ABC-Air is an air carrier within the meaning of section 408 of the Act, and that its acquisition of Freight Forwarding, a common carrier, and of International, sole owner of Add-N.Y., an air carrier, is subject to section 408. However, we have further concluded that such relationship does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing, and the public interest does not require a hearing. The control relationship is similar to others involving the same parties, as noted above, and which have been approved by the Board, and the realignment in control relationship here shown is similar to other such realignments approved by the Board,³ and does not present any new substantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the requests for alternative relief should be denied.

Accordingly, it is ordered:

1. That the acquisition by ABC-Air of all of the outstanding stock of Freight Forwarding and of International be and it hereby is approved; and

2. That all other requests for alternative relief be and they hereby are denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within

² It is represented that all necessary documents will be filed with the Securities and Exchange Commission so that the rights of all stockholders of ABC-Air will be protected, and the entire transaction will be submitted for the vote of the stockholders of ABC-Air.

³ Cf. Cal-Air Forwarders, Inc., et al., Docket 15897; Order E-22146, May 10, 1965.

such period a petition for review thereof has been filed, or the Board gives notice that it will review this order on its own motion.

By: J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-12928; Filed, Nov. 30, 1966;
8:48 a.m.]

[Docket No. 17037]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on December 1, 1966, is postponed to December 20, 1966, 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 25, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-12929; Filed, Nov. 30, 1966;
8:48 a.m.]

[Docket No. 16503]

IN-FLIGHT ENTERTAINMENT CHARGE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is reassigned to be held on December 14, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-12930; Filed, Nov. 30, 1966;
8:48 a.m.]

[Docket No. 17946; Order No. E-24455]

TRANS CARIBBEAN AIRWAYS, INC.

Order To Show Cause; Establish- ment of a Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of November 1966.

By Order E-24372, November 8, 1966, Trans Caribbean Airways, Inc. (TCA), was awarded a certificate of public convenience and necessity authorizing it to carry mail on a nonsubsidy basis between New York, N.Y.-Newark, N.J., and the terminal point, San Juan, P.R., effective December 5, 1966. TCA has petitioned the Board to establish mail rates for its carriage of priority and nonpriority mail under its newly awarded certificate. For priority mail, it requests that it be compensated in accordance with the rate es-

tablished for its competitors in Order E-22512, August 6, 1965, as amended, and for nonpriority mail, the rate established for other carriers in Order E-17255, July 31, 1961, as amended.¹

It appears appropriate to the Board that TCA's mail rate for the newly certificated service be established at the same level as that applicable to other carriers providing competitive services. The Board therefore proposes to issue an order providing that the compensation to be paid TCA for the carriage of mail on and after December 5, 1966, shall be computed in accordance with Orders E-17255, and E-22512, as amended, including all the terms and conditions stated therein.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR, Part 302.

It is ordered, That:

1. All interested persons, and particularly Trans Caribbean Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not fix and establish final mail rates for the carriage of mail by Trans Caribbean Airways, Inc., between New York, N.Y.-Newark, N.J., and San Juan, P.R., on and after December 5, 1966, as proposed above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice of objection shall be filed within 3 days, and written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection or answer is not filed, as specified in 14 CFR, Part 302, and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the final rate, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final service mail rate herein specified;

4. If any answer is filed presenting issues for hearing, the issues involved thereafter in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307; and

5. This order shall be served upon Airlift International, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-12931; Filed, Nov. 30, 1966;
8:49 a.m.]

¹ Both the nonpriority mail rate and the domestic multielement mail rate were amended by Order E-24247, Sept. 30, 1966, so as to increase the line-haul element and provide that it should be applied to nonstop great circle miles rather than standard miles.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16258, 15011; FCC 66M-1582]

AMERICAN TELEPHONE & TELEGRAPH CO. AND ASSOCIATED BELL SYS- TEM COS.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., charges for interstate and foreign communication service, Docket No. 16258; in the matter of American Telephone & Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011.

1. By the Commission's order of November 9, 1966 (FCC 66-1005), the issues in this docket were expanded to include the additional private line services originally excluded because of the pendency of Docket No. 14251 relating to rates for TELPAK C and D services. As noted in that order, Respondents are required to file additional cost data relating to those services, together with any proposed changes in those rates. It is appropriate that a date be specified for the filing herein of such cost data and such proposals of rate adjustments as Respondents intend to incorporate in tariffs subsequently to be filed. Cross-examination on such testimony will be deferred until a date later to be specified for cross-examination on evidence heretofore filed by Respondents relating to ratemaking factors and principles.

2. The Telephone Committee, by order of October 21, 1966 (FCC 66-1426), in furtherance of Commission authorization to devise means of expediting consideration of the issue of jurisdictional cost separation, provided for the filing, by interested parties, of written testimony on this subject on or before November 14, 1966. It is now appropriate that a date be specified for cross-examination thereon.

3. There is now pending before the Commission a petition filed November 15, 1966, by the National Association of Railroad and Utilities Commissioners (NARUC)¹ seeking the inclusion of jurisdictional cost separations for determination in Phase 1 of this proceeding. The fixing of a date for cross-examination on such separations testimony is, of course, not dispositive of the NARUC petition. However, it appears desirable to proceed with the prompt inclusion of such evidence in this record for disposition in Phase 1 or Phase 2, as the Commission may ultimately direct.

4. Pursuant to the Telephone Committee's order of October 6, 1966 (FCC 66M-1352), Respondents and certain intervenors filed and distributed, on October 17, 1966, testimony relating to the subject of accelerated depreciation pur-

¹ There is also on file a supporting petition filed by the California Public Utilities Commission.

suant to the provisions of section 167 of the Internal Revenue Code, and the reasons for nonuse of these provisions. It is now appropriate that provision be made for the filing of testimony responsive to that filed by the Respondents and such intervenors and for the fixing of a date for cross-examination thereon.

Accordingly, it is ordered, This 23d day of November 1966, that Respondents shall, on or before January 9, 1967, file and distribute to the Telephone Committee, the Cooperating State Commissioners, the Hearing Examiner, the Commission staff, and all parties of record, revised cost data relating to TELPAK C and D Services and proposals for any changes to be sought in those rates; and

It is further ordered, That any party to this proceeding, or the Commission's staff, wishing to submit evidence responsive to the testimony heretofore filed in relation to the nonuse of accelerated depreciation pursuant to the provisions of section 167 of the Internal Revenue Code, shall file and distribute such testimony in writing, on or before December 19, 1966, to the Telephone Committee, the Cooperating State Commissioners, the Hearing Examiner, the Commission's staff, and all parties of record; and

It is further ordered, That hearing sessions shall be held for cross-examination on the testimony heretofore filed on jurisdictional cost separations, beginning January 9, 1967, at 10 a.m. at the Commission's offices in Washington, D.C.; and

It is further ordered, That immediately following the completion of cross-examination on the foregoing matter, further hearing sessions shall be held for cross-examination on the further evidence filed in respect to the use or nonuse of accelerated depreciation.

Released: November 25, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12942; Filed, Nov. 30, 1966;
8:49 a.m.]

[Docket Nos. 16258, 15011; FCC 66M-1583]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND ASSOCIATED BELL SYSTEM COMPANIES

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Co. and the Associated Bell System Companies, charges for interstate and foreign communication service, Docket No. 16258; in the matter of American Telephone and Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011.

1. The Telephone Committee has considered the appeal, noted at Tr. 6515 in behalf of National Telephone Coopera-

tive Association, relative to the Presiding Examiner's ruling that NTCA Exhibit No. 1, the proposed testimony of Mr. Elton M. Snowden, would not be received in evidence. In this connection, the Committee has reviewed Tr. 6503-6516, as well as the oral argument held before the Committee on November 21, 1966.

2. It is the opinion of the Committee that the Examiner's ruling must be affirmed because, as the Examiner noted, the matter proposed to be presented by Mr. Snowden is not properly before us for determination within the issues specified in this proceeding.

3. However, it should be observed that the tender of this testimony by NTCA, and the oral argument had with respect to the propriety of its admission into evidence in this proceeding, has officially brought to our attention the specific problem of the independent telephone industry relative to compensation for interstate toll traffic originating and terminating between such independents. The Committee will undertake to initiate appropriate action within this Commission to seek an equitable solution to the problem.

4. Accordingly, it is ordered, This 23d day of November 1966 that the ruling of the Presiding Examiner rejecting National Telephone Cooperative Association Exhibit No. 1 is affirmed.

Released: November 25, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12943; Filed, Nov. 30, 1966;
8:50 a.m.]

[Docket Nos. 16706-16708; FCC 66-1053]

ATLANTIC BROADCASTING CO. (WUST) AND BETHESDA-CHEVY CHASE BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357, for construction permit; and Docket No. 16707, File No. BR-1513, for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319, for construction permit.

1. This proceeding involves the mutually exclusive applications of: (a) Atlantic Broadcasting Co. (hereinafter WUST) for renewal of its license for standard broadcast station WUST, Bethesda, Md., and for a construction permit to increase its power at that station on 1120 kilocycles from 250 watts to 5,000 watts, with 1,000 watts during critical hours, daytime only, in Bethesda, Md.; and (b) Bethesda-Chevy Chase Broadcasters, Inc. (hereinafter B-CC) for a construction permit for a new standard broadcast station to operate on 1120 kilocycles, 250 watts power, daytime only, in Bethesda, Md. These applications were designated

for hearing by our order (FCC 66-526), released June 16, 1966, on issues to determine: (a) Areas and populations to be served; (b) whether B-CC is financially qualified; (c) whether WUST's proposal to increase power will provide a realistic local transmission facility for Bethesda or for another larger community and, if the latter, whether WUST will meet all of the technical provisions of the rules for that larger community; and (d) which of the proposals would better serve the public interest.

2. Each of the applicants requested the Review Board to enlarge those designated issues in certain respects, and each of the applicants has now filed an application for review of the Board's actions denying the requested relief. We have considered WUST's application for review of the Review Board's memorandum opinion and order (FCC 66R-375, released Sept. 30, 1966), filed October 7, 1966; and the oppositions thereto filed October 19, 1966, by B-CC and the Chief, Broadcast Bureau; and we have concluded that review is not required of the Board's action except with respect to WUST's request for a disqualifying issue concerning some of B-CC's principals' ownership interest in an advertising agency. The Board merely held that such an issue was not required since it was not aware of any Commission case, rule, or policy which would preclude overlapping ownership interests of this character. It is clear, however, that the absence of a specific statement of policy would not be dispositive of this request, if the merits of WUST's pleadings had raised a serious public interest question. See Charles County Broadcasting Co., Inc., FCC 63-821, released September 16, 1963, 25 RR 903, at paragraph 7. For this reason, we have carefully considered the pleadings filed by WUST in support of its request for this issue. Our examination reveals, however, that WUST failed to make any specific allegations of fact showing that B-CC's principals' interest in the advertising agency and in the broadcast station would be contrary to the public interest. Under this circumstance, we agree with the Board that there is no basis for the addition of such a disqualifying issue in this proceeding.

3. B-CC's petition to enlarge issues and its ensuing application for review are founded upon certain of our actions in designating this proceeding for hearing. Issue (c), supra, was specified pursuant to our Policy Statement on 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), in light of the fact that the 5 mv/m contour of WUST's application for improved facilities would penetrate the geographic boundaries of Washington, D.C. The designation order also considered the application of § 73.25(a) (5) (ii) of the rules to WUST's proposal to increase power. That section, which provides for the operation of daytime only stations on 1120 kilocycles within the continental United States with the facilities authorized as of October 30, 1961, was adopted because

¹ Commissioner Bartley absent.

² Commissioner Bartley absent.

of the Clear Channel proceeding, 31 FCC 565, 21 RR 1801 (1961), to protect those channels from additional interference. As we have recently indicated (FCC 66-944, released Nov. 4, 1966), that rule was waived to permit consideration of WUST's application to increase power in this hearing because it had been filed before the conclusion of the Clear Channel proceeding and because it was in compliance with our rules when it was filed.

4. On July 7, 1966, B-CC filed a petition with the Review Board requesting that the issues in this proceeding be enlarged: (a) To determine whether WUST's application for renewal of its license will provide a realistic local transmission facility for Bethesda or for another larger community, (b) to determine, if it is concluded that WUST's application to increase power will provide a realistic local transmission facility only for another community, whether WUST or B-CC would provide a more fair, efficient, and equitable distribution of radio service, and (c) to determine, if it is concluded that WUST's application to increase power will provide a realistic local transmission facility only for another community, whether that application should be dismissed as violative of § 73.25(a)(5)(ii) of the rules. Although B-CC claimed that its application would rebut any presumption arising from the 307(b) Policy Statement, B-CC stated that it would not object if requested issue (a) were framed to include its proposal as well as WUST's renewal application.

5. Without considering the merits of B-CC's petition, the Review Board noted (FCC 66R-355, released Sept. 15, 1966) that its delegated authority permits it to change the designated issues only when it is justified by newly discovered factual allegations or when it is shown that some matters have been overlooked by the body designating the matter for hearing. The Board then held that the face of the designation order in this proceeding shows that, when this matter was designated for hearing, the Commission was fully cognizant of the matters upon which B-CC relies in support of its petition (i.e., the 307(b) Policy Statement, the penetration of Washington by the respective 5 mv/m contours of the B-CC and WUST renewal proposals, and the applicability of § 73.25(a)(5)(ii) of the rules). Since B-CC had "alleged no new facts or circumstances to support its request to modify the issues," and since the matters relied upon by B-CC had not been overlooked by the Commission, the Board stated that such modification of the issues would require reconsideration and modification of an action taken by the Commission with full cognizance of all the pertinent facts. The Board held that it is not authorized to take such an action, citing *Fidelity Radio, Inc.*, 1 FCC 2d 661, 6 RR 2d 140 (1965), and concluded that B-CC's petition to enlarge issues should be denied.

6. Now pending before us is an application, filed September 22, 1966, by B-CC for review of that action taken by the Review Board. B-CC argues that we should review the Board's action since the Board's refusal to examine the merits

of its petition is contrary to established policy, citing *Fidelity Radio*, supra, and since the merits of the petition to enlarge issues involve questions not previously resolved by the Commission. B-CC contends that the Board errs when it concludes that the petition to enlarge issues would require reconsideration and modification of the Commission's designation order. B-CC points out that the designation order makes no reference to the location of the 5 mv/m contours of its or WUST's renewal proposals, that it is silent as to any 307(b) comparison, if WUST's 5,000 watt proposal is deemed to be for Washington rather than for Bethesda, and that our memorandum opinion and order (FCC 66-525), released June 15, 1966, refused to waive § 73.25(a)(5)(ii) with respect to WUST's 1,000 watt proposal for Washington.

7. Although WUST has not filed any response to B-CC's application for review, the Broadcast Bureau has filed comments on it. The Bureau argues that the Board's construction of *Fidelity Radio* is generally correct to the extent that the Board concluded that it lacks authority to modify the issues with respect to matters about which the Commission was cognizant when the designation order was released. Thus, the Bureau urges that the Board properly denied B-CC's requests for a 307(b) Policy Statement issue and for a § 73.25(a)(5)(ii) issue. However, the Bureau states that it is not clear whether we intended to permit WUST to increase power, if it is concluded that WUST is a Washington transmission service, but that a 307(b) issue should be added if such an operation by WUST would be permissible. In reply, B-CC claims that the Bureau is inconsistent in claiming that *Fidelity Radio* precludes the addition of some issues, and then in suggesting that it would permit the addition of a contingent 307(b) issue. B-CC argues that *Fidelity Radio* should not bar its request for additional issues since the designation order does not show a thorough consideration of the matters raised in its petition.

8. B-CC's application for review presents two separate questions for our consideration: First, whether the Review Board acted correctly in denying B-CC's petition to enlarge issues without considering the merits of the request; and second, whether, if the merits of B-CC's petition are entitled to consideration, the issues in this proceeding should be enlarged. In considering the first question, it is important to review the framework within which we have delegated power to the Review Board to treat certain matters. Section 0.361 of the rules provides for the general delegation of authority to the Board and § 0.365(b)(1) specifically provides that the Board will take original action on "petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered." In accordance with that delegation of authority, we revised §§ 1.106(a) and 1.111 of the rules to make clear that petitions for reconsideration of designation orders would be entertained only: (a) When they relate to an adverse ruling with respect to the petitioner's participation in

the hearing, or (b) when they assert that the petitioner's application should have been granted without hearing, FCC 65-594, released July 9, 1965.

9. In *Fidelity Radio*, supra, one of the applicants had filed a petition for reconsideration of an interlocutory action taken in the designation order prior to the revision of §§ 1.106(a) and 1.111. We emphasized in *Fidelity Radio* that we would no longer consider such interlocutory requests and that they should thereafter be directed to the Review Board and the presiding examiner. In order to give the public and the subordinate officials guidance as to the manner in which such pleadings should be handled in the future, we indicated that those subordinate officials would have broad discretion to consider such matters even though this might appear to necessitate reconsideration of a previous Commission action. We pointed out that, where there had been a thorough consideration of the particular question in the designation order, the subordinate officials would be expected, in the absence of new facts or circumstances, to follow our judgment as the law of the case. But we added that the subordinate officials would be justified in reaching a different conclusion with respect to a particular question when it is established that we had not fully considered the matter in the designation order. At the same time, we also stated that the failure to allege previously unknown facts would not, in itself, be a sufficient reason for the subordinate officials to deny such interlocutory requests.

10. In light of the preceding discussion, we are persuaded that the Review Board erred in failing to consider the merits of B-CC's petition to enlarge issues. While the matters relied upon by B-CC may have been before us in a peripheral manner when this proceeding was designated for hearing, it is clear that none of those matters was specifically considered by us in the context of the issues requested by B-CC and that B-CC has not been given a reasoned analysis of why the issues in this proceeding should not be enlarged. Such a narrow construction by the Review Board of its authority leads the parties, in order to obtain a resolution of the merits of their requests, to file additional applications for review, which multiply the legal pleadings required of the parties, which necessitate duplication of previous efforts of our staff, and which increase the number of interlocutory petitions which we must consider. In the future, we suggest that subordinate officials should look to see whether specific reasons are stated for our action or inaction in a designation order, rather than merely considering whether the petitioner relies on new facts or whether we were aware of the general matter upon which he relies. If our designation order contains a reasoned analysis of a particular matter, we are confident that, in the absence of additional information on the subject previously unknown to us, the subordinate officials will have no difficulty in adopting that analysis and denying the relief requested. But where the des-

ignation order contains no reasoned analysis with respect to the merits of that particular matter, the subordinate official should make such an analysis and rule on the merits of the petition so that the hearing may be conducted in an orderly and expeditious manner.

11. For these reasons, we are convinced that B-CC is entitled to consideration of its petition to enlarge issues on the merits. With respect to its request for a further issue based on our 307(b) Policy Statement, it must be noted that paragraph 8 of the 307(b) Policy Statement specifically limits it to applications for new or improved standard broadcast facilities. B-CC has not presented any reason for expanding the scope of the 307(b) Policy Statement to include all existing facilities, and we are not persuaded that the public interest would be served by applying that Policy Statement to renewal applications, such as WUST has filed in this proceeding. By the same token, we have also concluded that the Policy Statement need not be applied in cases where a new application has been filed for essentially the same facilities as an existing station presently utilizes. Thus B-CC's request for a further issue based on our 307(b) Policy Statement must be denied.

12. As we indicated in paragraph 3, supra, our waiver of § 73.25(a) (5) (ii) of the rules in this proceeding was founded upon the facts that WUST's proposal was filed prior to the conclusion of the Clear Channel proceeding, supra, and that it was in compliance with our rules when it was filed. In light of these circumstances, we are convinced that there would be no basis for B-CC's requested § 73.25(a) (5) (ii) issue merely because it may be concluded, pursuant to the 307(b) Policy Statement issue, that WUST intends to provide a realistic local transmission service for a community other than its specified station location. However, our further consideration of these matters has persuaded us that, although WUST may amend its proposal to specify operation with 1,000 watts in Washington, D.C., pursuant to our memorandum opinion and order (FCC 66-944), released November 4, 1966, B-CC's request for a contingent 307(b) issue should be granted in light of the issues presently specified in this proceeding. Since B-CC proposes to serve Bethesda, Md., and since it may be determined that WUST's application to increase power will provide a realistic local transmission service for a community other than Bethesda, it is clear that a contingent 307(b) issue should be included to determine which proposal would better provide a fair, efficient, and equitable distribution of radio service. Generally speaking, the proceedings to which we have added 307(b) Policy Statement issues have also included standard 307(b) issues, and, therefore, a contingent 307(b) issue will be added to this proceeding in conformity with our usual practice.

13. Accordingly, it is ordered, This 23d day of November 1966;

(1) That the application for review filed September 22, 1966, by Bethesda-Chevy Chase Broadcasters, Inc., is

granted to the extent reflected in this memorandum opinion and order, and in all other respects is denied.

(2) That the issues in this proceeding are enlarged as follows: To determine, in the event that it is concluded pursuant to the foregoing issue (4) that the WUST proposal will not realistically provide a local transmission service for its specified station location, whether, in the light of section 307(b) of the Communications Act, the application of Atlantic Broadcasting Co. (WUST) to improve its facilities (BP-14357) or one of the applications (i.e., the application for new construction permit of Bethesda-Chevy Chase Broadcasters, Inc., and the application for renewal of license of Atlantic Broadcasting Co. (WUST)) for Bethesda, Md., would better provide a fair, efficient, and equitable distribution of radio service; and

(3) That the application for review filed October 7, 1966, by Atlantic Broadcasting Co. (WUST) is granted to the extent of the clarification of the Review Board's memorandum opinion and order (FCC 66R-375, released Sept. 30, 1966) contained in paragraph 2 of this memorandum opinion and order, and in all other respects is denied.

Released: November 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12944; Filed, Nov. 30, 1966;
8:50 a.m.]

[Docket Nos. 16824, 16825; FCC 66M-1585]

FOX RIVER BROADCASTING CO. AND RADIO OSHKOSH, INC.

Order Regarding Procedural Dates

In re applications of Sterling H. Saunders and Stanley H. Krinsky doing business as The Fox River Broadcasting Co., Oshkosh, Wis., Docket No. 16824, File No. BP-15129; Radio Oshkosh, Inc., Oshkosh, Wis., Docket No. 16825, File No. BP-15805; for construction permits.

In accordance with an agreement reached upon the record of a prehearing conference in the above-entitled matter held November 15, 1966: It is ordered, This 25th day of November 1966, that

(1) Exhibits shall be exchanged on or before December 21, 1966,

(2) Three working days after December 21, 1966, the parties, particularly the Broadcast Bureau, shall notify the other parties of any additional information requested,

(3) Such additional information shall be supplied within seven working days after the requests (if any) mentioned in (2) supra,

(4) Requests for witnesses shall be made within 10 working days after the notification of witnesses, and

(5) The hearing in this proceeding, now postponed indefinitely, shall commence at 10 a.m., February 7, 1967, in the Commission's offices, Washington, D.C.

¹ Commissioners Bartley and Wadsworth absent; Commissioner Johnson not participating.

Released: November 25, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12945; Filed, Nov. 30, 1966;
8:50 a.m.]

[Docket Nos. 16786, 17008; FCC 66-1058]

MIDWEST TELEVISION, INC. (KFMB-TV), ET AL.

Memorandum Opinion and Order Designating Proposals for Consolidated Hearing and Enlarging Issues

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area, petitioner; and Mission Cable TV, Inc., El Cajon, Calif., Southwestern Cable Co., San Diego, Calif., Pacific Video Cable Co., Inc., El Cajon, Calif., Trans-Video Corp., El Cajon, Calif., Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif., Escondido Community Cable, Inc., Escondido, Calif., respondents; Docket No. 16786.

In re application of American Television Relay, Inc., Escondido, Calif., Docket No. 17008, File No. 725-C1-P-66; for construction permit for new point-to-point microwave radio station.

1. The Commission has before it for consideration two closely related matters arising from the efforts of Escondido Community Cable, Inc. (ECC), to obtain Los Angeles television signals for distribution on a CATV system it plans to build in Escondido, Calif.¹ The follow-

¹ The following pleadings have been filed with regard to these matters: (a) a "Petition to Deny" filed Nov. 25, 1965, by Midwest Television, Inc., licensee of Station KFMB-TV, San Diego, directed against American Television Relay, Inc.'s application (File No. 725-C1-P-66) for a construction permit for a new point-to-point microwave station; (b) an "Opposition to Petition to Deny" filed Jan. 7, 1966, by American Television Relay, Inc., directed against (a) above; (c) a "Reply to Opposition to Petition to Deny" filed Jan. 14, 1966, by Midwest directed against (b) above; (d) a "Petition for Temporary and Permanent Relief Against Proposed Carriage by a CATV System of Signals of Los Angeles Stations into the San Diego Area (Escondido) and Motion to Consolidate" filed Aug. 15, 1966, by Midwest directed against ECC; (e) an "Opposition to Petition for Temporary and Permanent Relief Against Proposed Carriage by a CATV System of Signals of Los Angeles Stations into the San Diego Area (Escondido) and Motion to Consolidate" filed Sept. 2, 1966, by ECC directed against (d) above; (f) a "Reply to Opposition of Respondent Escondido Community Cable, Inc." filed Sept. 22, 1966, and an "Amendment to Reply to Opposition of Respondent Escondido Community Cable, Inc." filed Oct. 13, 1966, by Midwest directed against (e) above; (g) a "Petition to Expedite and Opposition to Petition for Temporary and Permanent Relief Against Proposed Carriage by a CATV System of Signals of Los Angeles Stations into the San Diego Area (Escondido) and Motion to Consolidate" filed Oct. 20, 1966, by the city of Escondido directed against (d) above.

ing history should help to clarify the questions presently before the Commission. Escondido is a community of approximately 26,957 persons (local census, 1965) located north of San Diego, Calif. On May 19, 1965, the city of Escondido awarded ECC a franchise to construct and operate a CATV system. The franchise contains a number of specific requirements including carriage of certain television and radio stations, some of which were to be obtained by microwave relay; a maximum period of 2 years from the date of franchise award to begin service; and a maximum period of 6 years to complete wiring up the entire city. On August 4, 1965, American Television Relay, Inc., a communications common carrier, filed an application (File No. 725-C1-P-66) for a construction permit to establish point-to-point microwave service to supply the signals of seven Los Angeles television stations to ECC's proposed CATV system. On November 26, 1965, Midwest Television, Inc., licensee of Station KFMB-TV, Channel 8, San Diego, filed a "Petition to Deny" directed against this application, and the parties filed additional pleadings in this regard (see footnote 1).

2. In order to begin construction and operation of its CATV system before resolution of the microwave dispute, ECC obtained the consent of the city of Escondido to the establishment of its system on an off-the-air basis until it could obtain the desired microwave service. Meanwhile, as ECC's alternate plans were taking shape, other events which affect them significantly were taking place: on March 8, 1966, the Commission adopted its second report and order in which it asserted its jurisdiction over off-the-air CATV systems, and on July 25, 1966, the Commission released its opinion in *Midwest Television, Inc.*, 4 FCC2d 612, in which it inaugurated a general proceeding directed to issues arising from the expansion of CATV systems throughout the San Diego market and ordered temporary relief pendente lite against further expansion of the CATV systems involved therein.² ECC, which had taken no formal action to set its new plan in motion, was not included in this proceeding. On August 15, 1966, Midwest filed its petition directed against off-the-air operation by ECC (see footnote 1), and on August 31, 1966, ECC filed notice pursuant to § 74.1105 of the rules³ of its

intention to commence CATV service in Escondido on or before November 30, 1966. Subsequently, on September 30, 1966, Midwest filed a letter invoking the "stay" provisions of § 74.1105 with respect to carriage of the Los Angeles signals on ECC's proposed CATV system, and incorporating by reference its petition of August 15, 1966.⁴

3. ECC proposes to operate a 12-channel system on which it will carry the San Diego television stations (Stations KFMB-TV, Channel 8; KOGO-TV, Channel 10; KAAR, Channel 39; and XETV, Channel 6, Tijuana, Mexico), the Los Angeles VHF television stations (Stations KNX-TV, Channel 2; KNBC-TV, Channel 4; KTLA-TV, Channel 5; KABC-TV, Channel 7; KHJ-TV, Channel 9; KTTV-TV, Channel 11; and KCOP-TV, Channel 13), and one FM station. In addition, ECC will carry new San Diego UHF stations when they come on the air. Jack O. Gross, doing business

notification to the Federal Communications Commission, within sixty (60) days after obtaining a franchise or entering into a lease or other arrangement to use facilities; in any event, no CATV system shall commence such operations until thirty (30) days after notice has been given. Such notice shall be given by existing systems which propose to add new distant signals at least thirty (30) days prior to commencing service and by systems which propose to extend lines into obviously new geographic areas within sixty (60) days after obtaining a franchise or entering into a lease or other arrangement to use facilities or, where no new local authorization or contractual arrangement is necessary, at least thirty (30) days prior to commencing service. Where it is proposed to extend the signal of any noncommercial educational television station beyond its Grade B contour into a community with an unoccupied reserved educational television channel assignment under § 73.606 of this chapter, the notice shall also be served upon the superintendents of schools in the community and county in which the system will operate and the local, area, and State educational television agencies, if any. The notice shall include the name and address of the system, identification of the community to be served, the television signals to be distributed, and the estimated time operations will commence. Where a petition with respect to the proposed service is filed with the Commission, pursuant to § 74.1109 of this chapter, within thirty (30) days after notice, new service to subscribers shall not be commenced until after the Commission's ruling on the petition or on the interlocutory question of temporary relief pending further proceedings; *Provided, however*, That service shall not be commenced in violation of the terms of any specified temporary relief or of the provisions of § 74.1107 of this chapter. Where no petition pursuant to § 74.1109 has been filed within thirty (30) days after notice, service may be commenced at any time thereafter, subject, however, to the provisions of § 74.1107. The provisions of this section do not apply to any signals which were being supplied to subscribers of the CATV system on March 17, 1966." (Footnote omitted.)

⁴ On Oct. 14, 1966, ECC appealed the operation of this "stay" provision to the U.S. Court of Appeals for the District of Columbia Circuit: *Escondido Community Cable, Inc. v. Federal Communications Commission*, Case No. 20,509. On Oct. 21, 1966, the Court denied the appellant's petition for stay pendente lite.

as Gross Broadcasting Co., is permittee of Independent UHF Station KJOG-TV, Channel 51 in San Diego, and San Diego State College has filed an application (BPET-220) for a construction permit for a new noncommercial educational television broadcast station to operate on Channel *15, San Diego. Escondido receives predicted television service from the San Diego area stations, as follows: Principal community service from Stations KFMB-TV and KOGO-TV; predicted Grade A service from Station KAAR; and predicted Grade B service from Station XETV. Predicted Grade B service is supplied to Escondido by the seven Los Angeles VHF stations, but ECC's exhibits state that terrain obstructions prevent most homes in Escondido from receiving the signals of these stations. On the basis of these facts, ECC's proposals should be considered in the San Diego market hearing.

4. ECC refuses to concede the legality of the Commission's assertion of jurisdiction over CATV and resists the propriety of the automatic stay provisions of § 74.1105. But the substance of its contentions was considered and rejected in the Second Report and Order. ECC also pleads that a grant of Midwest's request would inflict irreparable injury. But we are persuaded against the acceptance of this plea by the circumstances that (a) there are overriding public interest considerations which require hearing, and (b) ECC's showing does not bear out the proposition that it cannot support its system without carrying Los Angeles signals.

5. Since we have determined that the public interest requires consideration of ECC's proposed CATV system in the San Diego market hearing, we are unable to make the statutory finding required by section 309 of the Act to grant American's application. Consequently, we will consolidate American's application into the hearing and make American a party. Also, the city of Escondido has intervened to urge that the Commission not grant Midwest's request. We are making the city a party to the proceeding in order to take full advantage of the information it has available on the local CATV proposals.

6. In view of the foregoing, except as indicated by the issue specified below, American Television Relay, Inc., is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of American Television Relay, Inc.'s application (File No. 725-C1-P-66) would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, This 23d day of November 1966, pursuant to section 309(e) of the Communications Act of 1934, as amended, with respect to the American Television Relay, Inc., proposal, and pursuant to §§ 74.1109 and 74.1107 (a) and (d) of the Commission's rules, adopted by authority of sections 1, 4(i), 303, 307(b), 308, and 309 of the

² The following appeals from this order are pending before the U.S. Court of Appeals for the Ninth Circuit: *Southwestern Cable Co. v. United States*, Case No. 21,183; *Mission Cable TV, Inc. v. United States*, Case No. 21,192.

³ Section 74.1105 of the rules provides that, "No CATV system shall commence operations or commence supplying to its subscribers the signal of any television broadcast station carried beyond the Grade B contour of that station, unless the system has given prior notice of the proposed new service to the licensee or permittee of any television broadcast station within whose predicted Grade B contour the system operates or will operate, and to the licensee or permittee of any 100 watts or higher power translator station operating in the community of the system, and has furnished a copy of each such

Communications Act of 1934, as amended, with respect to the Escondido Community Cable, Inc., proposal, that the subject proposals shall be heard in a consolidated hearing with the proceeding in Docket No. 16786. *It is also ordered*, That the issues in Docket No. 16786 shall include the Escondido CATV proposals and the American Television Relay application and are enlarged by the addition of issue 10, as follows:

10. To determine in view of the evidence introduced pursuant to the foregoing issues whether a full or partial grant of American Television Relay, Inc.'s above-captioned application would serve the public interest, convenience, and necessity.

It is further ordered, That Escondido Community Cable, Inc., the city of Escondido, and American Television Relay, Inc., are added as parties to the proceeding in Docket No. 16786, and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules.

Of course, service not challenged in the petition or involved in the foregoing hearing may be commenced by Escondido Community Cable, Inc., at any time. Specifically, Escondido Community Cable, Inc., is free to commence operation of its CATV system with the local signals, KFMB-TV, KOGO-TV, KAAR, KJOG-TV, and XETV.

It is further ordered, That the petitions filed by Midwest Television, Inc., are granted to the extent indicated above, and are otherwise denied.

Released: November 25, 1966.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12946; Filed, Nov. 30, 1966;
8:50 a.m.]

[Docket Nos. 16786, 17008; FCC 66M-1587]

MIDWEST TELEVISION, INC.
(KFMB-TV), ET AL.

**Order Scheduling Prehearing
Conference**

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area, petitioner; Mission Cable TV, Inc., El Cajon, Calif., Southwestern Cable Co., San Diego, Calif., Pacific Video Cable Co., Inc., El Cajon, Calif., Trans-Video Corp., El Cajon, Calif., Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif., Escondido Community Cable, Inc., Escondido, Calif., respondents; Docket No. 16786.

In re application of American Television Relay, Inc., Escondido, Calif., Docket No. 17008, File No. 725-C1-P-66; for construction permit for new point-to-point microwave radio station.

* Commissioner Bartley absent.

The Hearing Examiner having for consideration the Commission's order adopted November 23, 1966, whereby certain additional applications were consolidated into this hearing and certain issues added;

It appearing, that the nature of this proceeding is such that reasonable expedition is necessary; that the original parties have indicated that at least 2 weeks will be necessary for the presentation of their direct cases; and that the calendars of the individuals involved are such that any continuance of the presently scheduled hearing dates would have to be for an extended period;

It further appearing, that under such circumstances every effort must be made to adhere as closely as possible to the present hearing schedule, with suitable arrangements to accommodate the new parties and issues being established at an immediate conference:

It is ordered, This 25th day of November 1966, that all parties who have heretofore exchanged exhibits shall immediately serve copies thereof on the newly designated parties, and that copies of all exhibits to be exchanged hereafter shall be served on all parties; that a conference shall convene on December 2, 1966, at 9 a.m. in the offices of the Commission at Washington, D.C., for the purpose of making arrangements relative to the newly added parties and issues; and that pending the said conference, all arrangements heretofore made are affirmed.

Released: November 25, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-12947; Filed, Nov. 30, 1966;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-4]

JAMES J. BOYLE & CO.

Independent Ocean Freight Forwarder License Application; Order Reopening Proceeding

By its report and order served August 25, 1966, the Commission denied respondent James J. Boyle's application for a license as an independent ocean freight forwarder upon a finding that respondent knowingly and willfully operated as a forwarder without lawful authorization.

Respondent subsequently filed a petition requesting the Commission to reconsider its denial of respondent's freight forwarder license. On October 10, 1966, Hearing Counsel requested the Commission to postpone consideration of respondent's petition and counter-petitioned to have the proceeding reopened for the purpose of allowing Hearing Counsel to adduce further evidence on the record. The Commission, on October 21, 1966, denied Hearing Counsel's

petition for failure of Hearing Counsel to specify the nature of the evidence to be adduced and for failure to state that it was not available at the time of the hearing—the standards established by Rule 16(b) of the Commission's rules of practice and procedure.

On October 27, 1966, Hearing Counsel renewed their petition to reopen the proceeding for the purpose of receiving further evidence. The nature of the evidence Hearing Counsel seek to adduce "is that respondent's president, James J. Boyle, may have made misstatements of critical facts at the hearing to the end of securing a license." Hearing Counsel also maintain that such evidence was unavailable to them at the time of the hearing.

The nature of Hearing Counsel's new evidence is such that it would have a bearing on a determination of respondent's good-faith compliance with our statute and rules. The gist of respondent's petition for reconsideration is that the Commission erred in finding respondent had not acted in good faith in its relationship with World-Wide. Since it appears that Hearing Counsel's new evidence would shed light on the very point raised by respondent's petition for reconsideration and that such evidence was not available at the time of the hearing, Hearing Counsel's petition to reopen should be granted. In view of this action, respondent's petition to the Commission for reconsideration is denied. Accordingly:

It is ordered, That the Commission's report and order in Docket No. 66-4, served August 25, 1966, are hereby vacated and withdrawn and the proceeding in Docket No. 66-4 are reopened pursuant to Rule 16(a) of the Commission's rules of practice and procedure (46 CFR 502.261).

It is further ordered, Pursuant to sections 22 and 44 of the Shipping Act that the proceeding to determine whether James J. Boyle & Co. qualifies for an independent ocean freight forwarder's license is hereby reinstated;

It is further ordered, That James J. Boyle & Co. shall continue to be respondent in this proceeding, and that any other persons who were previously parties to this proceeding may continue to participate therein;

It is further ordered, That any other person who desires to become a party and participate in this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 12, 1966, with copy to respondents and other parties; and

It is further ordered, That this proceeding is assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner; that notice of this order shall be published in the FEDERAL REGISTER and copy thereof served upon the respondents and persons who were previously parties to this proceeding; and that all future notices issued by or on behalf of the Com-

mission in this proceeding shall be mailed to all parties of record.

By the Commission,

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12936; Filed, Nov. 30, 1966;
8:49 a.m.]

[Commission Order No. 1 (Revised)]

ORGANIZATION AND FUNCTIONS

SECTION 1. Purpose. 1.01 The purpose of this order is to describe the organization and functions of the Federal Maritime Commission.

SEC. 2. Organization of the Federal Maritime Commission—2.01 Establishment and composition of the Commission. The Federal Maritime Commission was established as an independent agency by Reorganization Plan No. 7 of 1961, effective August 12, 1961. The Federal Maritime Commission is composed of five members, appointed by the President, by and with the consent of the Senate. The President designates one of such members to be the Chairman.

2.02 Quorum. Any three members in office constitute a quorum for the transaction of the business of the Federal Maritime Commission. The affirmative vote of any three Commissioners shall be sufficient for the disposition of any matters which may come before the Commission.

2.03 Organizational components. The Federal Maritime Commission has the following major organizational components:

1. Office of the Chairman of the Federal Maritime Commission.
2. Offices of the Members of the Federal Maritime Commission.
3. Managing Director.
- (1) Office of Administration.
- (2) Office of International Affairs and Relations.
- (3) Bureau of Compliance.
- a. Office of the Hearing Counsel.
- b. Office of Foreign Regulation.
- c. Office of Transport Economics.
- (4) Bureau of Domestic Regulation.
- (5) Bureau of Investigation.
- (6) Bureau of Financial Analysis.
- (7) Office of District Managers.
4. Office of the Secretary.
5. Office of the General Counsel.
6. Office of Hearing Examiners.

Sec. 3. Lines of responsibility. 3.01 The Managing Director shall be responsible to and report to, the Chairman, Federal Maritime Commission.

3.02 The Office of Administration, Office of International Affairs and Relations, Bureau of Compliance, Bureau of Domestic Regulation, Bureau of Investigation, Bureau of Financial Analysis, and the Offices of the District Managers shall be responsible to, and report to, the Managing Director.

3.03 The Office of the Secretary and the Office of the General Counsel shall report to the Chairman, subject to the managerial direction and coordination of the Managing Director. The Managing Director shall, with respect to the activi-

ties of such offices, (1) coordinate the development and execution of major programs, policies, plans, and projects to accomplish objectives established by the Chairman and/or the Commission; (2) determine work priorities and schedule the flow of work to meet such priorities; (3) review program and activity progress and otherwise maintain surveillance to assure the accomplishment of programs and projects of major importance.

3.04 The Office of Hearing Examiners shall report to the Chairman, subject to the administrative direction and coordination of the Managing Director.

SEC. 4. General functions. 4.01 The Federal Maritime Commission is responsible for administering the statutory functions and programs for the regulation of common carriers by water in the foreign and domestic offshore commerce of the United States and of other persons, under provisions of the Shipping Act, 1916, as amended, Merchant Marine Act, 1920, as amended, the Intercoastal Shipping Act, 1933, as amended, and other applicable statutes.

SEC. 5. Specific functions of the organizational components of the Federal Maritime Commission. 5.01 The Office of the Chairman of the Federal Maritime Commission executes and administers the activities of the Federal Maritime Commission; serves as the executive head of the Commission, presides at meetings of the Commission; and administers the policies of the Commission to its responsible officials, and through conferences with and reports from such officials assures the efficient discharge of their responsibilities.

5.02 The Offices of the Members of the Federal Maritime Commission are responsible, with the Chairman, for establishing the policies of the Commission; making decisions and determinations in the disposition of docketed cases and other matters within the jurisdiction of the Commission; and performing other duties as may be assigned under the provisions of Reorganization Plan No. 7 of 1961.

5.03 The Managing Director directs and administers the organizations and activities as enumerated in subsections 5.031 through 5.037 below; provides managerial administrative direction to, and effects work coordination with the Office of the General Counsel and the Office of the Secretary; provides administrative direction and coordination to the Office of the Hearing Examiners; assists, advises, and consults with the Chairman and/or the Federal Maritime Commission in the performance of major executive functions; and directs general administrative activities.

1. The Office of Administration formulates recommendations and interprets budgetary policies and programs; collaborates with staff and operating officials in the development of fiscal plans; develops and presents budget requests and justifications; maintains control of funds; conducts studies of management practices, organizations, functions, authorities and procedures for the improvement of operations, plans and ad-

ministrative personnel management activities; and provides administrative and office services.

2. The Office of International Affairs and Relations provides advisory, consultative, and coordinating services in connection with Federal Maritime Commission activities in international affairs; and performs public relations, information dissemination, and liaison functions with the Congress, other agencies of government, the maritime industry, the public and the press.

3. The Bureau of Compliance administers the program activities of the Office of Hearing Counsel, the Office of Foreign Regulations and the Office of Transport Economics as hereinafter stated.

a. The Office of Hearing Counsel acts as Hearing Counsel in all formal investigations, non-adjudicatory investigations, rulemaking proceedings and any other proceedings initiated by the Federal Maritime Commission under the Shipping Act, 1916, and other applicable shipping acts; examines and cross-examines witnesses, prepares and files briefs, motions, exceptions, and other legal documents and participates in oral arguments before the hearing examiners and the Federal Maritime Commission; acts as Hearing Counsel, where intervention is permitted, in formal complaint proceedings initiated under section 22 of the Shipping Act; reviews and concurs in all recommendations of other bureaus recommending the institution of formal proceedings; prepares all orders, notices and other documents which institute formal or informal Commission proceedings; furnishes consultative and advisory services and otherwise assists other bureaus in formulating procedures to be followed in connection with investigations and/or formal Commission proceedings; serves, with the concurrence of the Managing Director, as requested by the General Counsel and under his direction in matters of court litigation by or against the Commission rising out of violations previously adjudicated by the Commission.

b. The Office of Foreign Regulation reviews the rates and practices of common carriers by water engaged in the foreign commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders, and regulations of the Commission; examines, processes, and as appropriate, prepares recommendations to the Commission with respect to activities and practices of common carriers by water in the foreign commerce and conferences of such carriers and with respect to agreements and tariffs filed by such common carriers and conferences; reviews annual and special reports filed by common carriers by water and conferences in the foreign commerce of the United States, including minutes of conference meetings; initiates action involving the granting of special permissions to waive advance tariff filing requirements, or to depart from rules and regulations governing publication of tariffs; recommends the institution of rulemaking proceedings, and where appropriate prepares drafts or

rules and otherwise assists in the promulgation of rules; reviews informal complaints and protests against the practices, methods, and operation of common carriers or conferences or against existing or proposed tariffs of such carriers or conferences and (1) requests the Bureau of Investigation to develop additional information and data through field investigations; (2) recommends the conclusion of complaints and protests by voluntary agreement between the parties or by administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules, or orders of the Commission; (3) prepares recommendations, collaborating with the Office of the Hearing Counsel, for formal action and proceedings by the Commission; and/or (4) refers, as appropriate, complaints and protests to the Bureau of Investigation for action by that Bureau.

c. The Office of Transport Economics conducts research and economic studies necessary to the Commission in the fulfillment of its regulatory responsibilities. In this connection the staff compiles, interprets, and analyzes economic data essential to the study of freight rate structures and levels; conducts studies leading to determinations as to the reasonableness of specific cargo rates in the ocean trades of the United States including studies of reasonable return on and current cost of capital both borrowed and invested; studies the economic implications of shipping practices; analyzes costs attributable to the movement of cargoes in the oceanborne commerce of the United States and conducts related studies and analyses requisite to rendering by the Commission of sound economic judgments and decisions.

4. The Bureau of Domestic Regulation reviews the rates and practices of common carriers by water engaged in the domestic offshore commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders, and regulations of the Commission; examines, processes, and as appropriate, prepares recommendations to the Commission with respect to activities and practices of common carriers by water in the domestic offshore commerce of the United States and conferences of such carriers, and with respect to agreements and tariffs filed by such common carriers, conferences, terminal operators, and freight forwarders, takes and/or initiates action involving the rejection of improper or incorrectly filed tariffs, granting of special permissions to waive the advance filing or publication requirements of tariffs, suspension of rates, and as appropriate the prescription of reasonable maximum and minimum rates; reviews reports filed by domestic offshore carrier conferences, terminal operators, and freight forwarders, including minutes of conference meetings; processes applications for licensing of freight forwarders; recommends the institution of rulemaking proceedings, drafts rules and otherwise assists in the promulgation of rules, reviews informal complaints and protests against the practices, methods

and operations of common carriers, terminal operators, freight forwarders or conferences or against existing or proposed tariffs of such common carriers, terminal operators, freight forwarders or conferences and (1) requests the Bureau of Investigation to develop additional information and data through field investigations; (2) concludes complaints and protests by voluntary agreement between the parties or by administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules or orders of the Commission; (3) prepares recommendations, collaborating with the Bureau of Compliance, for formal action and proceedings by the Commission; and/or (4) refers, as appropriate, complaints and protests to the Bureau of Investigation for action by that Bureau; *administers the provisions of P.L. 89-777, enacted November 6, 1966, with respect to financial responsibility of operators of passenger vessels to meet liability for (1) nonperformance of voyages and (2) claims for injuries or death aboard ships.*

5. The Bureau of Investigation conducts investigations of the activities and practices of common carriers by water in the foreign and domestic offshore commerce of the United States, conferences of such carriers, freight forwarders and terminal operators and other persons subject to the regulatory jurisdiction of the Federal Maritime Commission; conducts periodic field examinations of the activities, transactions and records of persons subjected to the shipping statutes; directs the field investigation staffs and plans and administers the field program furnishing all technical direction to such staffs; submits completed investigations to the substantive program Bureau, collaborating and otherwise assisting those Bureaus, the Office of Hearing Counsel and/or the Solicitor in preparing for formal hearings before the Commission or action in Federal Court.

6. The Bureau of Financial Analysis is responsible for and makes recommendations with respect to annual and special financial reports to be submitted by common carriers and other persons subject to the Act, including accounting and reporting instructions; reviews annual and special reports, including reports of field audits performed by the Commission's staff; determines the justification of increased or lower rates of common carriers and other persons subject to the Act; directs field audit staffs and develops and administers a continuing program for the audit of the financial accounts and records of common carriers and other persons subject to the Federal Maritime Commission's regulatory authorities; develops and revises the accounting regulations of the Commission prescribing uniform systems of accounts for persons subject to the shipping statutes; develops cost formulas for application to the movement of water borne commerce in the domestic and foreign commerce of the United States; prepares reports and appears in rate proceedings and/or proceedings where

rates and/or cost are a paramount issue; conducts studies, as appropriate, for the purpose of determining classes of depreciable property, depreciation percentages, replacement costs, reasonable overhead, etc.

7. The Offices of the Atlantic, Gulf, and Pacific District Managers are responsible for the administrative coordination of all field programs and activities of the Federal Maritime Commission within their respective areas, subject to national policies and program determinations, standard procedures, and supervision and technical direction of the appropriate office or bureau director in Washington, D.C.; in addition the District Managers shall be responsible for maintaining contact with persons within their areas who are subject to the shipping statutes and rules and regulations of the Commission; further the District Managers shall be available for consultation and advisory services requested by common carriers by water in the foreign and domestic offshore commerce of the United States, terminal operators, freight forwarders, conferences and shippers; finally the District Managers shall be responsible for performing other functions and duties as assigned by the Chairman, Managing Director and/or the Commission.

5.04 The Office of the Secretary is responsible for preparing agenda and dockets of matters subject to action by the Federal Maritime Commission and the preparation of minutes with respect to such actions; receiving and processing formal complaints and staff recommendations for investigation and hearing involving violations of the Shipping Act, 1916, as amended, and other applicable law, including the (a) reviewing of complaints for sufficiency and compliance with the Commission's rules of practice and procedure; (b) assigning official docket numbers to such complaints and orders of investigation and hearing; (c) serving copies of such complaints and orders upon the respondent(s); and (d) subsequent to Hearing Examiner's decisions or other disposition of cases by Hearing Examiners, ruling upon requests for enlargement of time for the filing of exceptions to decisions and replies thereto, including ruling upon late filings of exceptions or replies, and processing all other motions and petitions to the Commission for action; issuing orders and notices of actions of the Commission; receiving formal communications, petitions, notices, documents and other instruments directed to the Chairman and/or the Commission and maintaining official files and records with respect thereto; authenticating instruments or documents of the Commission; administering oaths; and issuing subpoenas at the direction of the Commission.

5.05 The Office of the General Counsel serves as the law office of the Commission and provides legal counsel to the Commission and its staff; reviews and approves as to legality and/or prepares proposed Commission rules, regulations and orders; prepares drafts of proposed legislation and reports to Congressional

committees; and represents the Commission in all matters before the Courts.

5.06 The Office of Hearing Examiners holds hearings and renders decisions therein in formal rulemaking and adjudicatory proceedings as provided in the Shipping Act, 1916, as amended, and other applicable laws, in accordance with the Administrative Procedure Act and the Commission's rules of practice and procedure. Hearing Examiners are exempt from all direction, supervision or control except for administrative purposes.

SEC. 6. *Delegation of authorities.* 6.01 Pursuant to section 105 of Reorganization Plan No. 7 of 1961, effective August 12, 1961, the Federal Maritime Commission hereby delegates the authorities set forth in sections 7, 8, 9, and 10 of this order to the officials designated therein, subject to the limitations prescribed in sections 6.02, 6.03, 6.04, and 6.05 of this order.

6.02 The delegates shall exercise the authorities delegated herein in a manner consistent with the established policy of the Federal Maritime Commission.

6.03 The authorities delegated herein, except those delegated to the Chief Examiner, may not be exercised unless resolution of all legal questions and the approval of the form of all legal documents have been obtained either concurrently of previously, from the General Counsel, or his designee.

6.04 The delegates may in their discretion redelegate their authorities, unless otherwise restricted herein, to subordinate personnel under their direction, provided that such redelegation does not grant the recipient the authority to subsequent redelegation. The delegates retain full responsibility for actions taken by their subordinates under any authority redelegated by them.

6.05 Notwithstanding the delegations contained herein, the Commission retains its discretionary right of review as provided in section 105(b) of Reorganization Plan No. 7 of 1961.

SEC. 7. *Specific authorities delegated to the Managing Director.* 7.01 Authority to accept or reject tariff filings of domestic offshore carriers or common carriers in the foreign commerce of the United States, or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations governing the tariff, or noncompliance with Special Permission or other order of the Commission.

7.02 Authority to approve Special Permission applications submitted by domestic offshore carriers or carriers in the foreign commerce of the United States, or conferences of such carriers for relief from statutory and/or Commission tariff requirements.

7.03 Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by common carriers by water in the domestic offshore or the foreign commerce of

the United States, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules, and regulations of the Commission, or acts having material effect upon the commerce of the United States; authority to determine, with respect to the foregoing, whether alleged or suspected violations should or should not be referred to the Department of Justice for prosecution.

7.04 Authority to (a) approve, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue or reissue or transfer licenses to persons, partnerships, corporations, or associations, desiring to engage in the business of ocean freight forwarding; (b) issue a letter stating that the Commission intends to deny an application unless within 20 days applicant requests a hearing to show that denial of the application is unwarranted or unless within 30 days required security has been filed; (c) deny any application for freight forwarder license where applicant has received a letter of intent to deny and, within the notice period, has not requested a hearing or has not furnished the required security; (d) rescind letters of intent to deny or grant extensions of the time specified in such letters; (e) revoke the grandfather rights of applicants who have requested withdrawal of the application, moved from their last known address and reasonable efforts to locate their present whereabouts have failed, or been denied a license in accordance with subsection (c) of this section, (f) revoke the license of a freight forwarder upon request of the licensee; (g) issue orders to show cause upon notification of a surety bond cancellation and subsequently revoke licenses for failure of licensees to maintain valid surety bonds on file with the Commission.

7.05 Authority to develop, prescribe, and administer programs to assure compliance with the provisions of the shipping statutes of all persons subject thereto, including without limitation those programs for: (a) The submission of regular and special reports, information, and data; (b) the conduct of a plan for the field audit of activities and practices of common carriers by water in the domestic offshore trade and the foreign commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the shipping statutes; and (c) the conduct of rate studies.

7.06 Authority to approve, pursuant to section 15, Shipping Act, 1916, as amended, unprotested, cooperative working arrangements between independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916, as amended.

7.07 Authority to approve, pursuant to section 15, Shipping Act, 1916, un-

protested terminal leases, licenses, assignments or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916.

7.08 Authority to determine whether terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916, are within the purview of section 15.

7.09 Authority to approve unprotested transshipment agreements covering transportation of cargo in the foreign commerce of the United States which are not unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act, 1916, as amended; such agreements should include the:

1. Complete name of the parties entering into the arrangement and specifically setting forth the portion of the trade that each party, will cover, including: Ports or areas of origin and destination; cargo to be carried; and ports or ranges of ports at which cargo will be transhipped;

2. Responsibility of parties for establishing and filing the applicable through rates, rules, regulations, and other tariff matters;

3. Provisions for the apportionment of the through revenue and transshipment expenses stated in percentages, or specific dollar amounts;

4. When applicable, provisions for application and apportionment of other expenses such as wharfage, special handling, lighterage, tonnage dues, surcharges, and other such charges assessed by a governmental authority;

5. When desired by the parties, provisions for indemnification between the parties for liabilities incurred from loss, damage, delay, or misdelivery of goods;

6. Provision for the termination of the agreement within a stated notice period; and

7. Provisions for the submission to the Federal Maritime Commission for approval of any modification or addition to the agreement.

7.10 The authority to approve or disapprove applications as specified in General Order 11 "Reports of Rate Base and Income Account by Vessel Operating Common Carriers in the Domestic Offshore Trades", §§ 512.3(c) (1)—extensions for time of filing; 512.3(c) (2)—alternate data; 512.3(c) (3)—waiver of filing; and 512.3(d) the submission of statements for the first 6 months of any fiscal year.

7.11 Authority to (1) approve modifications to section 15 agreements when such modifications are filed in accordance with the requirement of Commission rule or general order and are clearly in compliance with the criteria and/or intent of such rule or general order and (2) require modification of the filed amendment to the extent necessary to

conform to the requirements of such rule or general order.

7.12 Authority to approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between common carriers by water and conferences of such carriers engaged in the foreign and domestic commerce of the United States, and between other persons subject to the Act, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

7.13 Authority to approve unprotested modifications to approved section 15 agreements which are filed to (1) reflect current geographic designations and/or (2) include additional trade areas within the general geographic scope of the approved existing agreement.

Sec. 8. *Specific authorities delegated to the Director, Bureau of Financial Analysis.* 8.01 Authority to accept financial and operating data alternative to that required by §§ 511.2 and 511.3 of General Order 5, upon application and a showing of good cause, or upon determination by the Director, Bureau of Financial Analysis, that it is unnecessary to require full compliance to enable the Commission to carry out its regulatory function.

8.02 Authority to waive the requirements of §§ 511.2 and 511.3 of General Order 5, for carriers with less than \$25,000 gross revenue, upon application and showing that the gross revenue earned did not exceed such amount as provided by the order.

8.03 Authority to grant or deny, in accordance with the provisions of General Order 5, Amendment 5, extensions of time limits prescribed for the filing of financial reports by common carriers who are subject to the provisions of General Order 5, 46 CFR Part 511.

Sec. 9. *Specific authorities delegated to the Secretary.* 9.01 Authority to approve applications for permission to practice before the Federal Maritime Commission and to issue admission certificates to approved applicants.

9.02 Authority to prescribe a time limit less than 20 days from date published in the FEDERAL REGISTER, for the submission of written comments with reference to agreements filed pursuant to section 15 of the Shipping Act of 1916.

Sec. 10. *General authority delegated to the Managing Director, Secretary, General Counsel and Chief Examiner.*

10.01 Authority to exercise all functions and take all actions necessary to direct and carry out the duties and responsibilities assigned to the Managing Director, Office of the Secretary, Office of the General Counsel and Office of Hearing Examiners, in accordance with their functional assignments as heretofore prescribed in this order.

Sec. 11. *Effect on other orders.* 11.01 This order consolidates Commission Order No. 1 (Amended) published in the FEDERAL REGISTER April 17, 1963, and all amendments and supplements published

subsequent thereto. In the FMC Manual of Orders, this supersedes Commission Order 1 (Amended), dated November 12, 1965, and all amendments and supplements thereto.

JOHN HARLLEE,
Rear Admiral,

U.S. Navy (Retired), Chairman.

NOVEMBER 25, 1966.

[F.R. Doc. 66-12937; Filed, Nov. 30, 1966;
8:49 a.m.]

[Commission Order No. 201.1 (Revised)]

DEPUTY MANAGING DIRECTOR, ET AL.

Redelegation of Authorities by Managing Director

SECTION 1. *Purpose.* 1.01 The purpose of this order is to redelegate certain authorities delegated to the Managing Director, pursuant to Federal Maritime Commission Manual of Orders, Commission Order No. 1 (Revised), November 21, 1966.

SEC. 2. *Redelegations of authorities.* 2.01 The authorities set forth in sections 4 through 8 of this order are hereby redelegated to the respective officials having jurisdiction of the particular functional areas; in the absence of such officials, their duly designated deputies are authorized to exercise the redelegations made to their respective superiors.

2.02 These officials shall exercise the authorities redelegated herein in a manner consistent with the established policy of the Federal Maritime Commission.

2.03 The authorities redelegated may not be exercised unless resolution of all legal questions and the approval of the form of all legal documents have been obtained, either concurrently or previously, from the General Counsel, or his designee.

2.04 These officials may not redelegate their authorities to subordinate personnel, except by prior approval of the Federal Maritime Commission and the Managing Director.

Sec. 3. *Limitation on the exercise of redelegated authorities.* 3.01 The officials to whom are redelegated the authorities specified herein shall, notwithstanding the provisions of this order, consult with the Managing Director on any matter of question involving:

1. Deviation from established policy or procedure.

2. An important decision or interpretation thereof.

3. Matters on which differences of opinion exist between bureaus under the direction of the Managing Director or with other offices of the Federal Maritime Commission.

Sec. 4. *Specific authorities redelegated to the Deputy Managing Director.* 4.01 Authority, in the absence or preoccupation of the Managing Director, to exercise all authorities of the Managing Director consistent with programs, policies and precedents established by previous action of the Commission or the Managing Director.

SEC. 5. *Specific authorities redelegated to the Bureau of Compliance.* 5.01 The Director, Bureau of Compliance is delegated authority to:

1. Determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules, regulations and orders of the Commission by common carriers by water in the foreign commerce of the United States, conference of such carriers and other persons subject to the provisions of the shipping statutes; determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States.

2. Develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of common carriers by water in the foreign commerce of the United States and steamship conferences including but not limited to those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of field audit of the activities and practices of such common carriers and conferences; and (c) in collaboration with the Director, Office of Transport Economics, the conduct of rate studies.

3. Approve unprotested modifications to approved section 15 Agreements which are filed to (1) reflect current geographic designations and/or (2) include additional trade areas within the general geographic scope of the approved existing agreement.

5.02 The Chief, Division of Carrier Agreements is delegated authority to:

1. Approve unprotested transshipment agreements covering transportation of cargo in the foreign commerce of the United States which are not unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act, 1916, as amended; such agreements should include the:

a. Complete name of the parties entering into the arrangement and specifically setting forth the portion of the trade that each party will cover, including: ports or areas of origin and destination; cargo to be carried; and ports or ranges of ports at which cargo will be transshipped;

b. Responsibility of parties for establishing and filing the applicable through rates, rules, regulations and other tariff matters;

c. Provisions for the apportionment of the through revenue and transshipment expenses stated in percentages, or specific dollar amounts;

d. When applicable, provisions for application and apportionment of other expenses such as wharfage, special handling, lighterage, tonnage dues, sur-

charges, and other such charges assessed by a governmental authority;

e. When desired by the parties, provisions for indemnification between the parties for liabilities incurred from loss, damage, delay or misdelivery of goods;

f. Provision for the termination of the agreement within a stated notice period; and

g. Provisions for the submission to the Federal Maritime Commission for approval of any modification or addition to the agreement.

2. Approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between common carriers by water in the foreign commerce of the United States or conferences of such carriers, after publication of notice of intent to terminate in the *FEDERAL REGISTER*, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

5.03 The Chief, Division of Tariffs and Informal Complaints is delegated authority to:

1. Accept or reject tariff filings submitted by common carriers by water engaged in the foreign commerce of the United States.

2. Approve Special Permission applications submitted by common carriers by water in the foreign commerce or conferences of such carriers for relief from a statutory and/or Commission tariff requirement.

5.04 Branch Chiefs, Division of Tariffs and Informal Complaints are authorized to approve special permission applications covering cargo moving under contracts and/or rates negotiated by the Military Sea Transportation Service, Department of the Navy.

SEC. 6. Specific authorities redelegated to the Director, Bureau of Domestic Regulation. 6.01 Authority to accept or reject tariff filings of domestic offshore carriers or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations governing the tariff, or noncompliance with Special Permission or other order of the Commission.

6.02 Authority to approve Special Permission applications submitted by domestic offshore carriers for relief from a statutory and/or Commission tariff requirement.

6.03 Authority to (a) process, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue licenses approved by the Managing Director to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; (b) reissue or transfer, within the framework of Commission policy and criteria, freight forwarder licenses; (c) prepare recommendations to the Managing Director for the denial of licenses, or rescind letters of intent to deny; (d) deny any application for freight forwarder license where applicant has received a letter of

intent to deny and, within the notice period, has not requested a hearing or has not furnished the required security; (e) grant extensions of the time specified in letters of intent to deny licenses; (f) revoke the grandfather rights of applicants who have requested withdrawal of the application, moved from their last known address and reasonable efforts to locate their present whereabouts have failed, or been denied a license in accordance with subsection (d) of this section; (g) revoke the license of a freight forwarder upon request of the licensee; (h) issue orders to show cause upon notification of a surety bond cancellation and subsequently revoke licenses for failure of licensees to maintain valid surety bonds on file with the Commission.

6.04 Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules, regulations and orders of the Commission by common carriers by water in the domestic offshore commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or order, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States; * authority to determine, with respect to the container inspection program, whether alleged or suspected violations should or should not be referred to the Department of Justice.*

6.05 Authority to develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of common carriers by water in the domestic offshore trade terminal operators, freight forwarders and other persons subject thereto, including but not limited to those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of field audit of the activities and practices of such common carriers by water in the domestic offshore trade, terminal operators, freight forwarders and other persons; and (c) in collaboration with the Director, Bureau of Financial Analysis, the conduct of rate studies.

6.06 Authority to approve, pursuant to section 15, Shipping Act, 1916, as amended, unprotested, cooperative working arrangements between independent ocean freight forwarders eligible to carry on the business of forwarding pursuant to section 44, Shipping Act, 1916, as amended.

6.07 Authority to approve, pursuant to section 15, Shipping Act, 1916, unprotested terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916.

6.08 Authority to determine whether terminal leases, licenses, assignments, or other agreements of a similar character

for the use of terminal property or facilities between persons subject to the Shipping Act, 1916, are within the purview of section 15.

6.09 Authority to approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between domestic offshore carriers or conferences of such carriers, ocean freight forwarders or terminal operators, after publication of notice of intent to terminate in the *FEDERAL REGISTER*, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

SEC. 7. Specific authorities redelegated to the Director, Bureau of Financial Analysis. 7.01 The authority to approve or disapprove applications as specified in General Order 11 "Reports of Rate Base and Income Account by Vessel Operating Common Carriers in the Domestic Offshore Trades," §§ 512.3(c) (1)—extensions for time of filing; 512.3(c) (2)—alternate data; 512.3(c) (3)—waiver of filing; and 512.3(d)—the submission of statements for the first 6 months of any fiscal year.

SEC. 8. General authority redelegated to the heads of bureaus and offices reporting to the Managing Director (C.O. 1 (Revised), section 3.02). 8.01 Authority to exercise all functions and take all actions necessary, to direct and carry out the duties and responsibilities assigned to their respective bureaus and offices, in collaboration with and subject to the concurrence of other appropriate offices or bureaus, as may be required, in accordance with their functional assignments as prescribed in Manual of Orders, Commission Order No. 1 (Revised).

SEC. 9. Effect on other orders. 9.01 This revision supersedes Commission Order No. 201.1 published in the *FEDERAL REGISTER* January 23, 1962, and all amendments and supplements published subsequent thereto. In the FMC Manual of Commission Orders, this supersedes Commission Order 201.1, dated November 12, 1965, and Supplement 1, dated August 17, 1966.

EDWARD SCHMELTZER,
Managing Director.

NOVEMBER 25, 1966.

[F.R. Doc. 66-12938; Filed, Nov. 30, 1966; 8:49 a.m.]

PORT OF PENSACOLA, FLA.

Approval of Port-Wide Exemption

John A. Merritt & Co., Fillette, Green & Co., Inc., and Walsh Stevedoring Co., Inc. have filed an application for a port-wide exemption pursuant to § 510.22(a) of Federal Maritime Commission General Order 4, Amendment 9 (46 CFR 510.22(a)). Each applicant is a licensed independent ocean freight forwarder and also acts as a steamship agent at the Port of Pensacola, Fla.

Section 510.22(a) of General Order 4 prohibits a licensee from collecting com-

compensation if he requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading.

Applicants allege that an adequate supply of forwarding services is not being held out by nonagent licensees at the Port of Pensacola, Fla., and that an exemption is justified on this basis. The application indicates that all licensed ocean freight forwarders domiciled at the Port of Pensacola, Fla., are also steamship agents. The Commission has published notice of the application in the FEDERAL REGISTER and has received no adverse comments.

We find that a port-wide exemption is justified in this case because it appears that an adequate supply of forwarding services is not being held out by nonagent licensees.

Therefore, it is ordered, That a port-wide exemption as authorized by section 510.22(a), General Order 4, Amendment 9 is granted for the Port of Pensacola, Fla.

It is further ordered, That this port-wide exemption shall remain in effect until otherwise ordered by the Commission.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the applicant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12972; Filed, Nov. 30, 1966;
8:51 a.m.]

PORT OF MOREHEAD CITY, N.C.

Approval of Port-Wide Exemption

Morehead City Shipping Co., North Carolina Shipping Co., and Waters Shipping Co., have filed an application for a port-wide exemption pursuant to § 510.22(a) of Federal Maritime Commission General Order 4, Amendment 9 (46 CFR 510.22(a)). Each applicant is a licensed independent ocean freight forwarder and also acts as a steamship agent at the Port of Morehead City, N.C.

Section 510.22(a) of General Order 4 prohibits a licensee from collecting compensation if he requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading.

Applicants allege that an adequate supply of forwarding services is not being held out by nonagent licensees at the Port of Morehead City, N.C., and that an exemption is justified on this basis. The application indicates that all licensed

ocean freight forwarders domiciled at the Port of Morehead City, N.C., are also steamship agents. The Commission has published notice of the application in the FEDERAL REGISTER and has received no adverse comments.

We find that a port-wide exemption is justified in this case because it appears that an adequate supply of forwarding services is not being held out by nonagent licensees.

Therefore, it is ordered, That a port-wide exemption as authorized by section 510.22(a), General Order 4, Amendment 9 is granted for the Port of Morehead City, N.C.

It is further ordered, That this port-wide exemption shall remain in effect until otherwise ordered by the Commission.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the applicant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12974; Filed, Nov. 30, 1966;
8:51 a.m.]

PORT OF WILMINGTON, N.C.

Approval of Port-Wide Exemption

Wilmington Shipping Co. and Waters Shipping Co. have filed an application for a port-wide exemption pursuant to § 510.22(a) of Federal Maritime Commission General Order 4, Amendment 9 (46 CFR 510.22(a)). Each applicant is a licensed independent ocean freight forwarder and also acts as a steamship agent at the Port of Wilmington, N.C.

Section 510.22(a) of General Order 4 prohibits a licensee from collecting compensation if he requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading.

Applicants allege that an adequate supply of forwarding services is not being held out by nonagent licensees at the Port of Wilmington, N.C., and that an exemption is justified on this basis. The application indicates that all licensed ocean freight forwarders domiciled at the Port of Wilmington, N.C., are also steamship agents. The Commission has published notice of the application in the FEDERAL REGISTER and has received no adverse comments.

We find that a port-wide exemption is justified in this case because it appears that an adequate supply of forwarding services is not being held out by nonagent licensees.

Therefore, it is ordered, That a port-wide exemption as authorized by section 510.22(a), General Order 4, Amendment 9 is granted for the Port of Wilmington, N.C.

It is further ordered, That this port-wide exemption shall remain in effect

until otherwise ordered by the Commission.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the applicant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12975; Filed, Nov. 30, 1966;
8:51 a.m.]

PORT OF TAMPA, FLA.

Approval of Port-Wide Exemption

Fillette, Greene & Co. of Tampa, General Shipping Co., Gulf Florida Terminal Co., Hillebaum-Tampa, Inc., Marine Agency of Tampa, Inc., A. R. Savage & Son, Delfa Lines Agency, and S. G. Scott Co., have filed an application for a port-wide exemption pursuant to § 510.22(a) of Federal Maritime Commission General Order 4, Amendment 9 (46 CFR 510.22(a)). Each application is a licensed independent ocean freight forwarder and also acts as a steamship agent at the Port of Tampa, Fla.

Section 510.22(a) of General Order 4 prohibits a licensee from collecting compensation if he requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading.

Applicants allege that an adequate supply of forwarding services is not being held out by nonagent licensees at the Port of Tampa, Fla., and that an exemption is justified on this basis. The application indicates that all but one of the licensed ocean freight forwarders domiciled at the Port of Tampa are also steamship agents. The single nonagent forwarder has advised the Commission that he has no objection to granting this exemption. The Commission has published notice of the application in the FEDERAL REGISTER and has received no adverse comments.

We find that a port-wide exemption is justified in this case because it appears that an adequate supply of forwarding services is not being held out by nonagent licensees.

Therefore, it is ordered, That a port-wide exemption as authorized by section 510.22(a), General Order 4, Amendment 9 is granted for the Port of Tampa, Fla.

It is further ordered, That this port-wide exemption shall remain in effect until otherwise ordered by the Commission.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the applicant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-12973; Filed, Nov. 30, 1966;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 28, 1966, through December 7, 1966, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-12895; Filed, Nov. 30, 1966;
8:46 a.m.]

[70-4368]

GENERAL PUBLIC UTILITIES CORP.

Supplemental Notice of Second Posteffective Amendment Proposing Additional Cash Capital Contribution to Subsidiary Companies

NOVEMBER 25, 1966.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street New York, N.Y. 10005, a registered holding company, has filed with this Commission a second posteffective amendment to its declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 45 promulgated thereunder. All interested persons are referred to the said posteffective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated April 28, 1966 (Holding Company Act Release No. 15457), this Commission authorized GPU to make cash capital contributions during 1966 to certain of its subsidiary companies, including \$20 million to Jersey Central Power & Light Co. ("JCP&L") and \$4,500,000 to Pennsylvania Electric Co. ("Penelec"). By order dated October 17, 1966 (Holding Company Act Release No. 15582) GPU was authorized to make an additional cash capital contribution to JCP&L of \$2 million. GPU now proposes to make additional contributions of \$3,500,000 to JCP&L and \$4 million to Penelec, which will be applied by JCP&L and Penelec to the payment of short-

term notes which were issued to finance 1966 construction.

Notice is further given that any interested person may, not later than December 16, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-12896; Filed, Nov. 30, 1966;
8:46 a.m.]

[70-4428]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Modification of Indentures and Order Authorizing Solicitation of Consents in Connection Therewith

NOVEMBER 25, 1966.

Notice is hereby given that the Hartford Electric Light Co. ("Hartford"), 176 Cumberland Avenue, Wethersfield, Conn., an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing the modification of the indentures governing the terms of its first mortgage bonds and the solicitation of consents of the bondholders in connection therewith. Hartford has designated sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder, as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed modifications.

In order to conform to the requirements of this Commission's statement of policy with respect to first mortgage bonds issued under the Act, as set forth in Holding Company Act Release No. 13105, Hartford proposes to modify its first mortgage indenture and deed of trust ("Indenture") dated as of January

1, 1958, to Old Colony Trust Co., as trustee, to permit future issues thereunder, and to effect other modifications, principally in respect of the percentage of property additions governing the issuance of additional bonds, the addition of a replacement fund requirement and accountability therefor in computing property additions available for the issuance of additional bonds, the computation of earnings required for the issuance of additional bonds, and in respect of a sinking and improvement fund and dividend restrictions on common stock. Hartford also proposes to amend its trust indenture dated as of July 1, 1947, to Old Colony Trust Co., as trustee, so as to prohibit the issuance of additional bonds thereunder.

Consents to the proposed modifications of the Indenture dated as of January 1, 1958, will be solicited from the holders of Hartford's outstanding bonds and the solicitation material sets forth in detail the modifications as to which their consents are to be solicited. The declaration recites that the proposed modifications of this Indenture may be made only with the consent of holders of at least two-thirds of the principal amount of all Hartford's outstanding bonds and that no consents are required for the proposed amendment of the earlier indenture.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are to be filed by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed modifications.

Hartford proposes to solicit the required consents and has filed its solicitation material. It is requested that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested persons may, not later than December 15, 1966, request in writing that a hearing be held with respect to the proposed modifications of the Indentures, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof

or take such other action as it may deem appropriate.

It appearing to the Commission that Hartford's declaration regarding the proposed solicitation of consents should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the expenses thereof:

It is ordered, That the declaration regarding the proposed solicitation of consents be, and hereby is, permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction be, and it hereby is, reserved with respect to the expenses thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-12897; Filed, Nov. 30, 1966;
8:46 a.m.]

[812-2031]

ISTEL FUND, INC. AND PALLAS CORP.

Notice of Filing of Application for Order Exempting Proposed Trans- action Between Affiliated Persons

NOVEMBER 25, 1966.

Notice is hereby given that Istel Fund, Inc. ("Istel"), an open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), and Pallas Corp. ("Pallas"), 63 Wall Street, New York, N.Y. 10005, a closed-end nondiversified investment company registered under the Act, which companies are hereinafter referred to collectively as the "applicants," have filed a joint application pursuant to section 17(b) of the Act. Applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed acquisition by Istel of substantially all of the assets of Pallas in exchange for the issuance to Pallas of shares of Istel. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Curacao Securities Corp., an Antilles corporation, owns approximately 86 percent of the outstanding shares of Pallas and approximately 49 percent of the outstanding shares of Istel. Consequently, each of the applicants is an "affiliated person" of Curacao Securities Corp. under section 2(a)(3) of the Act and Curacao Securities Corp. is an affiliated person of each of the applicants. Section 17(a) of the Act, as here pertinent, makes it unlawful for Pallas to sell, and for Istel to purchase the assets of Pallas, and for Istel to sell shares of Istel to Pallas unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person

concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned and that it is consistent with the general purposes of the Act.

Pallas was organized in 1946 under the laws of the State of New York. At September 30, 1966, Pallas had net assets of \$19,135,375 and had outstanding 264,454 shares of capital stock with a net asset value of \$72.36 a share.

Istel was organized in 1953 under the laws of the State of Delaware. At September 30, 1966, Istel had net assets of \$38,656,161 and had outstanding 2,283,712 shares of capital stock with a net asset value of \$16.93 a share.

Under the terms of the proposed Agreement and Plan of Reorganization and Liquidation ("Agreement") (1) Istel will acquire substantially all of the assets of Pallas in exchange for shares of Istel stock and (2) Pallas will thereafter distribute such shares of Istel to the stockholders of Pallas upon surrender of the shares of Pallas in connection with the liquidation of Pallas. The number of Istel shares to be received by Pallas will be determined by dividing the adjusted value of the net assets of Pallas, by the net asset value of one share of Istel stock on the closing date.

For purposes of this computation the value of the Pallas assets will be adjusted to reflect the fact that the proportion of the unrealized taxable gain of Pallas to its assets exceeds the proportion of realized and unrealized taxable capital gain of Istel. As both Pallas and Istel will distribute virtually all of their respective realized capital gains and income prior to the consummation of the proposal no adjustment with respect to such items is deemed necessary. As Istel intends to retain all of the securities to be acquired from Pallas, there shall be computed the amount by which the unrealized appreciation on said securities exceeds the portion of Istel's unrealized appreciation allocable to the aggregate shares of Istel to be issued to Pallas, determined on a pro forma basis giving effect to the acquisition of Pallas; and 10 percent of the amount computed in this manner, if any, shall be applied to reduce the net value of the assets to be acquired by Istel. If such adjustment had been calculated as of September 30, 1966, the value of the assets of Pallas would have been reduced by \$150,240.

The proposed transfer of Pallas assets and the issuance of Istel stock are to be submitted to the respective stockholders of Pallas and Istel at a special meeting of stockholders of each applicant. In addition there will be submitted to the Pallas shareholders a proposal to convert Pallas into an open-end investment company immediately prior to the consummation of the sale of its assets to Istel and to liquidate and dissolve Pallas and, in that connection, to distribute Istel stock received pursuant to the terms of the Agreement. If the proposals are approved by applicants' shareholders and if the applicants' Boards of Directors approve and authorize the execution of the Agreement, applicants propose to execute

the Agreement promptly after such approvals.

Applicants contend that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any persons concerned; that the present portfolios and investment policies of both applicants are compatible; that the proposed acquisition by Istel of the assets of Pallas is consistent with the policy of Istel as recited in its Registration Statement under the Act; and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 6, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-12898; Filed, Nov. 30, 1966;
8:46 a.m.]

[812-2005]

PAUL REVERE VARIABLE ANNUITY CONTRACT ACCUMULATION FUND

Notice of Application for Exemptions

NOVEMBER 25, 1966.

Notice is hereby given that The Paul Revere Variable Annuity Contract Accumulation Fund ("Applicant"), 18 Chestnut Street, Worcester, Mass., a registered open-end diversified investment company established by The Paul Revere Variable Annuity Insurance Co. ("Insurance Company"), has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Applicant from the provisions of sections 22(d) and 27(a) of the Act. Applicant previously has been exempted from various sections of the Act with respect to its individual and group variable an-

nity contracts (Investment Company Act Release No. 4581). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 22(d). Applicant requests an exemption from the provisions of section 22(d) of the Act which provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. The public offering price described in the Applicant's prospectus includes charges for estimated sales and administrative expense and since Applicant proposes to rebate any excess of the sales and administrative expense over the actual sales and administrative expense, Applicant's contracts would be sold at an offering price other than as described in the prospectus. An exemption is deemed necessary to enable its proposed group variable annuity contracts, with the exception of the Terminal Funding Group Variable Annuity Contract, to contain provisions for experience credits. Under such provision, if the Insurance Company's actual costs for sales and administration expense for a particular contract for a specified period or periods are lower than the estimated sales and administration expense attributable to such contract for such period or periods, the Insurance Company will allow experience credits to the extent of the difference between the actual and estimated expense. Under the proposed Group Tax-Sheltered Variable Annuity Contracts and Allocated Deposit Administration Variable Annuity Contracts, such experience credits, if any, will be credited in the form of units to those participants and annuitants entitled thereto. Such units will be credited without sales or administrative charge. Under the proposed Unallocated Deposit Administration Variable Annuity Contracts, any such credits will be credited to the contractholders to increase the number of accumulation units credited to the contractholder or applied to reduce future contributions required of the contractholder under the contract in accordance with the plan. In no event will any experience ratings reduce the number of accumulation units or fractions thereof held to the credit of any participant or contractholder of Applicant, and no additional charge is made if the charges fail to cover Insurance Company's costs.

Section 27(a). Applicant further requests an exemption from the provisions of section 27(a) which, in substance, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if (i) the sales load exceeds 9 percent of the total payments to be made thereon, (ii) the sales load deducted in the first year exceeds 50 percent of the first year's payments, or (iii) the amount of sales load deducted from any of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any sub-

sequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Applicant states that Insurance Company's proposed Unallocated Deposit Administration Variable Annuity Contracts provide for a sales load deduction of 15 percent of the purchaser's first annual contribution in the amount of \$5,000 or less, 2.8 percent of such annual contribution for the 2d through the 10th contract years, and no sales load thereafter. Such contracts further provide for a reduced sales load deduction from the purchaser's first annual contribution in excess of \$5,000, and from such contributions in excess of \$20,000 for the 2d through the 10th contract years as enumerated in the application. Applicant further states that its proposed Allocated Deposit Administration Variable Annuity Contracts used to fund plans adopted under the Self-Employed Individuals Tax Retirement Act of 1962, as amended, and used to fund other plans under which the 1st year's contribution does not exceed \$10,000, provide for a sales load deduction of 15 percent of the purchaser's 1st year contribution, 3 percent of such contribution for the 2d through the 10th years, and no sales load thereafter. Such contracts used to fund plans, the 1st year contributions of which exceed \$10,000, provide for a sales load deduction of 5 percent on the purchaser's 1st year contribution, 3 percent of such contribution for the 2d year through the 10th years, and no sales load thereafter.

Accordingly, Applicant states that since the amount of contributions may be a percentage of the amount of salary or wages paid to participants or may be based upon profits of the contractholder, and since the contracts are subject to certain termination rights, there can be no fixed total purchase price or fixed period of years over which the average sales load can be computed.

Applicant requests exemption from the provisions of section 27(a) which require that the sales load be deducted at a uniform rate from payments made after the first year. As there is no fixed total purchase price or fixed period of years over which the average sales load can be computed, Applicant requests exemption to the extent necessary to permit deduction of all sales load in the first 10 contract years.

Applicant represents that the total cumulative deductions for sales load as proposed will be less, at any point in the life of the contract, than the maximum deduction permitted by section 27(a) of the Act, and further that it will not issue a contract which in reasonable contemplation would be terminated when the total sales load was in excess of 9 percent.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and

consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-12899; Filed, Nov. 30, 1966;
8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

NOVEMBER 25, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 27, 1966, through December 6, 1966, both dates inclusive.

By the Commission.

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 66-12900; Filed, Nov. 30, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 997]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

NOVEMBER 25, 1966.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER

issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 3252 (Sub-No. 40), filed November 7, 1966. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings, beams, and arches, A frames and materials, supplies, and equipment used or useful in the installation and erection thereof, when moving in connection therewith, from Biddeford and South Windham, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, and returned or damaged shipments of the specified commodities, on return.* NOTE: Applicant states it presently holds authority to transport the commodities involved from the origin points named herein to points in New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont, and to the extent that any additional authority may be granted by the instant application, it shall be construed as conferring no severable duplicating operating authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 10761 (Sub-No. 204), filed October 17, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pine Meadow and New Hartford, Conn., as off-route points in connection with applicant's authorized regular route operations between New York, N.Y., and Hartford, Conn.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 10761 (Sub-No. 206), filed November 14, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,*

and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles, between Portage, Ind., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack the proposed authority at Portage, Ind., to provide service to points (unspecified) authorized under MC 10761 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 11207 (Sub-No. 255), filed November 15, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35204. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, and materials, supplies and equipment used in connection with the production and installation thereof, between plantsites and warehouses of Johns-Manville Corp. at Marro and New Orleans, La., and points in Alabama, Florida, Georgia, and Mississippi.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Birmingham, Ala.

No. MC 13134 (Sub-No. 15) (Amendment) filed September 2, 1966, published FEDERAL REGISTER issue of September 29, 1966, amended November 9, 1966, and republished as amended, this issue. Applicant: PENNSYLVANIA-OHIO EXPRESS, INC., Post Office Box 256, State Route 75 North, Oak Hill, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies, used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming.* NOTE: Applicant states it would tack the proposed authority to its present authority at Washington, Pa., enabling service at points in West Virginia. The purpose of this republication is to add Portage, Ind., as a point to the base area, and adding West Virginia, Colorado, and Wyoming to the radial area, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13250 (Sub-No. 86), filed November 14, 1966. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston,

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traveling cranes*, from Mendota, Ill., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that tacking would take place at Mendota, Ill., from Texas, California, Arizona, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Utah, Illinois, Indiana, Kentucky, Missouri, Tennessee, Idaho, and Nevada. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 25869 (Sub-No. 74), filed November 10, 1966. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. 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 Omaha, Nebr., Storm Lake and Postville, Iowa, to points in Wisconsin, with service from Postville restricted to traffic originating at Omaha, Nebr., or Storm Lake, Iowa, and stopped at Postville to complete loading. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 43635 (Sub-No. 7), filed November 14, 1966. Applicant: MERCER TRUCKING COMPANY, INC., 124 East Third Street, Moscow, Idaho 83843. Applicant's representative: George R. La-Bissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Box shooks*, between Greenacres, Wash., on the one hand, and, on the other, points in that part of Oregon on and west of a line beginning at the Oregon-California State line and extending north along U.S. Highway 97 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Oregon-Washington State line and points in Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 45877 (Sub-No. 1), filed November 14, 1966. Applicant: FINKLE'S EXPRESS, INC., 800 Bloomfield Avenue, Clifton, N.J. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and commodities used in the manufacture of rubber products*, from New York, N.Y., and points in New Jersey, to Ashland, Ohio, (2) *deflated rubber articles*, from Ashland, Ohio, to Clifton, N.J., and (3) *inflated rubber articles*, from Clifton, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania,

Rhode Island, Vermont, Virginia, and the District of Columbia, under contract with Eagle Rubber Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 49304 (Sub-No. 20), filed November 16, 1966. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Easton H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry construction materials (other than in bulk), plastic mixing boxes used in connection with masonry construction materials, play sand, and decorative stone and gravel*, from Gibbsboro, N.J., to points in West Virginia on and east of U.S. Highway 522, District of Columbia, Maryland, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 60066 (Sub-No. 5), filed October 28, 1966. Applicant: BEE LINE MOTOR FREIGHT, a corporation, 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading)*, serving Holdrege, Nebr., as an off-route point in connection with applicant's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69116 (Sub-No. 103), filed November 10, 1966. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Portage and Burns Harbor, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71516 (Sub-No. 86), filed November 14, 1966. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. 35202. Applicant's representative: Robert E. Tate, Suite 2025-2028, City Federal Building, Birmingham, Ala. 35205. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Insulating materials and mineral wool, loose or in packages, and cement, mineral wool (rock, slag, or glass wool)*, from Leeds, Ala., to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 82063 (Sub-No. 18), filed November 14, 1966. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup (except corn syrup and blends thereof) liquid, in bulk, in tank vehicles*, from St. Louis, Mo., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 89523 (Sub-No. 11), filed November 7, 1966. Applicant: MID-STATES TRUCKING CO., a corporation, 2517 North Grand, Enid, Okla. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution*, in containers, from Houston, Tex., to points in Oklahoma on and south of U.S. Highway 64, under continuing contract with the Clorox Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 101781 (Sub-No. 3), filed November 14, 1966. Applicant: HAL S. GILBERT, doing business as GILBERT'S TOWING SERVICE, 2104 North Willis Boulevard, Portland, Ore. 97217. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, wrecked, damaged, or disabled motor vehicles*, in truckaway service by tow-away method, and by use of wrecker-type vehicles only, between points in Oregon on the one hand, and, on the other, points in Idaho, points in, and west of Liberty, Pondera, Teton, Cascade, Lewis and Clark, Broadwater, and Gallatin Counties, Mont., Washoe, Storey, Lyon, Ormsby, and Douglas Counties, Nev., and points in, and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 103654 (Sub-No. 122), filed November 14, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate of alumina in bulk*, from Pine Bend, Minn., to points in Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Wisconsin,

and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn.

No. MC 104149 (Sub-No. 180), filed November 10, 1966. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus pulp*, from points in Florida to points in Alabama, Georgia, and Tennessee, and (2) *oyster shells and fish meal*, from points in Florida and Mississippi, to points in Alabama, Georgia, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 106400 (Sub-No. 66), filed November 9, 1966. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. 64054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk in tank vehicles, from Kansas City, Kans., to Steele, Mo., and points within a radius of 5 miles thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107475 (Sub-No. 61), filed November 10, 1966. Applicant: DANCE FREIGHT LINES, INC., 254 New Circle Road NE., Post Office Box 286 (Henry Clay Station), Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Rogersville, and Greenville, Tenn., over Tennessee Highway 70, serving no intermediate points, but serving Rogersville and Greenville, Tenn., for purposes of joinder with carrier's presently authorized service and alternate routes, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville or Knoxville, Tenn.

No. MC 107496 (Sub-No. 511), filed November 9, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plantsite of the Williams Bros. pipeline terminal at Rochester, Minn., and points within 15 miles thereof, to points in Iowa and Wisconsin. NOTE: Applicant states that it intends to tack above authority through Dubuque, Iowa, to provide serv-

ice to points in northwestern Illinois counties, and tack via Bettendorf, Iowa, to provide service to points in Illinois on and north of U.S. Highway 24 and on and west of U.S. Highway 51. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 512), filed November 9, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of the Monarch Cement Co. located at or near Humboldt, Kans., to points in Arkansas, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 513), filed November 9, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, from Indianapolis, Ind., to Waukegan, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107515 (Sub-No. 560), filed November 7, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). 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), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis) restricted to transportation of traffic originating at such plantsite. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107515 (Sub-No. 561), filed November 10, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid paint, varnish, and resin* (except in bulk in tank vehicles), from Kansas City, Mo., to Miami, Fla., and points in its commercial zone as defined by the Commission, and Orlando, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Atlanta, Ga.

No. MC 109026 (Sub-No. 9), filed November 9, 1966. Applicant: HALL K. DAVIS and LELLA H. DAVIS, a partnership, doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192, Glasgow, Ky. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (1) between Lebanon, Tenn., and Glasgow, Ky., from Lebanon over U.S. Highway 231 to Westmoreland, Tenn., thence over U.S. Highway 31E to Glasgow, and return over the same route; (2) between Tompkinsville, Ky., and Edmonton, Ky., over Kentucky Highway 163; (3) between Gallatin, Tenn., and junction Tennessee Highway 109 and U.S. Highway 70, over Tennessee Highway 109; (4) between Nashville, Tenn., and Lebanon, Tenn., over Interstate Highway 40; (5) between Edmonton, Ky., and Columbia, Ky., over Kentucky Highway 80; and (6) between Nashville, Tenn., and Glasgow, Ky., from Nashville, over Interstate Highway 65 to junction U.S. Highway 68, thence over U.S. Highway 68 to Glasgow, and return over same route, serving no intermediate points in (1) through (6) above. NOTE: Applicant states the proposed operations in (1) through (6), above, to be used as alternate routes for operating convenience with joinder with applicant's presently held regular routes at all points at which they coincide or cross said regular routes. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 109637 (Sub-No. 314), filed November 14, 1966. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, between points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111785 (Sub-No. 27), filed November 9, 1966. Applicant: BURNS MOTOR FREIGHT, INC., U.S. Highway 219 North, Post Office Box 149, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, on skids, on flatbed trailers, from points in Braxton County, W. Va., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachu-

setts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charleston, W. Va.

No. MC 112304 (Sub-No. 19) (Amendment), filed September 15, 1966, published *FEDERAL REGISTER* issues of October 6, 1966, and November 10, 1966, amended October 26, 1966, and November 3, 1966, and republished as amended, this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, and Portage and Burns Harbor, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it would tack the proposed authority with its present authority at points in Ohio to enable service to and from points in New York and New Jersey. NOTE: The purpose of this republication is to add Portage and Burns Harbor, Ind., as points to the base area, and adding Colorado and Wyoming to the radial area, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114917 (Sub-No. 2), filed November 14, 1966. Applicant: DART TRANSPORTATION SERVICE, a corporation, 1430 South Eastman Avenue, Los Angeles, Calif. 90023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by mail-order and chain retail department business houses*, from points in the Los Angeles commercial zone and the Los Angeles Harbor commercial zone, as these zones are defined in *Los Angeles, Calif., Commercial Zone*, 3 M.C.C. 248, to Antioch, Bakersfield, Berkeley, Concord, Emeryville, Eureka, Fresno, Hanford, Hayward, Marysville, Modesto, Mountain View, Oakland, Sacramento, Salinas, San Francisco, San Jose, San Mateo, San Leandro, Santa Rosa, Vallejo, Visalia, Walnut Creek, Willows, and Yuba City, Calif., under contract with Sears, Roebuck & Co. NOTE: Applicant states in this application it is seeking authority to serve points presently authorized to be served in its Sub 1, as well as additional points, therefore, when, as and if, this application is granted it is requested that permit No. MC 114917, Sub 1 be revoked. If a hearing is deemed necessary,

applicant requests it be held at Los Angeles, Calif.

No. MC 114939 (Sub-No. 37), filed November 10, 1966. Applicant: BULK CARRIERS, LIMITED, Box 10, Cooksville, Ontario, Canada. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toluene di-isocyanate*, in bulk, in tank vehicles, from Moundsville, W. Va., to ports of entry on the international boundary line between the United States and Canada, located at or near Detroit and Port Huron, Mich. NOTE: Applicant states that the above proposed operation will be restricted to traffic destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Buffalo, N.Y.

No. MC 115295 (Sub-No. 4), filed November 9, 1966. Applicant: BOB UTGARD, doing business as UTGARD TRUCKING, Star Prairie, Wis. 54026. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Anoka, Benton, Carlton, Chicago, Hennepin, Isanti, Kanabec, Mille Lacs, Pine, Ramsey, Sherburne, Washington, and Wright Counties, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117574 (Sub-No. 159), filed November 14, 1966. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Portage, Ind., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117999 (Sub-No. 2), filed November 17, 1966. Applicant: TOM GALLO, 306 Lake George Avenue, Ticonderoga, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Glens Falls, N.Y., and Burlington, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 118159 (Sub-No. 32), filed November 9, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La.

70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant and warehouse facilities of the Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119422 (Sub-No. 44), filed November 14, 1966. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119531 (Sub-No. 60), filed November 16, 1966. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers, shapes and forms, metal cylindrical containers, and fibre cylindrical containers*, between Addison and Peotone, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119632 (Sub-No. 29), filed November 10, 1966. Applicant: REED LINES, INC., Box 285, Woodburn, Ind. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral, rock, slag or glass wool or fibers and products thereof*, (2) *boards, building, wall and/or insulating and parts, materials and accessories incidental thereto*, and (3) *manufactured and/or composition boards and parts and accessories incidental thereto*, from Kalama-zoo, Mich., and Huntington, Largo, and Wabash, Ind., to points in Maryland, Virginia, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119767 (Sub-No. 189), filed November 14, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Thorhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in South Dakota, to points in Wisconsin, and *empty shipping containers*, on return. NOTE: Applicant states it intends to tack this proposed authority at points in Wisconsin, in connection with presently held authorized authority to serve points in Illinois and Indiana. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Milwaukee or Madison, Wis.

No. MC 119837 (Sub-No. 7), filed November 14, 1966. Applicant: M. M. HIGGINBOTHAM, doing business as OZARK MOTOR LINES, 806 Michigan Street, Memphis, Tenn. 38106. Applicant's representative: Edward G. Grogan, 2020 First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment), between Gassville, Ark., and Salem, Ark., over U.S. Highway 62, serving all intermediate points. NOTE: Applicant requests it be authorized to tack the authority sought herein to all existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrison, Ark.

No. MC 121470 (Sub-No. 2) (Amendment), filed January 27, 1966, published in the FEDERAL REGISTER issue of February 17, 1966, amended and republished as amended, this issue. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, Nashville, Tenn. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prestressed and precast concrete products, and parts thereof and accessories thereto* when transported with such commodities from points in Davidson and Williamson Counties, Tenn., to points in Alabama (except Decatur, and points within 10 miles thereof) and Mississippi on and north of U.S. Highway 72 and 72A; and, (2) (a) *used household goods, used store fixtures, used office equipment, and (b) articles which because of their size, weight or shape require special handling or equipment, and parts thereof or accessories thereto* when transported with such commodities, between points in Tennessee. NOTE: Applicant states that the proposed operation in (1) above is restricted against tacking with carrier's presently held authority. The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123415 (Sub-No. 8) (Correction), filed July 5, 1966, published

FEDERAL REGISTER issue of July 28, 1966, and republished as corrected this issue. Applicant: JAMES STUFFO, INC., Box 1061 (Route 130 and Prince Avenue, Pennsauken, N.J.), Merchantville, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum extrusions*, from the plantsite of Aluminum Shapes, Inc., at Delair, N.J., to points in Pennsylvania, (2) *aluminum extrusions*, from Philadelphia, Pa., to points in Delaware, New Jersey, and Maryland. Applicant presently holds authority as follows: "Building materials, except lumber, structural steel, sand, gravel and crushed stone, from Philadelphia, Pa., to points in Delaware, and points in that part of New Jersey and Maryland within 100 miles of Philadelphia, Pa. The main purpose of this portion of the application is for clarification as to whether aluminum extrusions are a building material. In addition applicant seeks additional authority in Maryland beyond 100 miles of Philadelphia, (3) *metal windows, metal window sections, and metal doors*, glazed and unglazed, uncrated, *parts and fittings* incidental to the erection and installation of such metal windows, sections, and doors, uncrated, *aluminum extrusions*, uncrated, and *sample metal windows, sample metal window sections, and sample metal doors*, crated, from Philadelphia, Pa., to points in Illinois, Indiana, Michigan, New York, Ohio, and West Virginia.

This authority sought is to be in lieu of present authority of applicant found in paragraph 2, sheet No. 2 of the lead docket at MC 123415, and in effect seeks only the elimination of the restriction therein pertaining to aluminum extrusions of: " * * *, when moving with shipments of metal windows, metal window sections, metal doors, and parts and fittings for such windows, doors, and window sections, also uncrated;" and (4) *metal windows, metal window sections, and metal doors*, all uncrated, *aluminum extrusions and parts and fittings* for said windows, doors, and window sections, all uncrated, and *sample metal windows, sample metal window sections, and sample metal doors*, all crated, from Philadelphia, Pa., to points in Massachusetts, Rhode Island, and Connecticut. This authority sought is to be in lieu of present authority of applicant found in paragraph 4, sheet No. 2 of the lead docket at MC 123415, and in effect seeks only the elimination of the restriction therein of: " * * *, when moving with shipments of said metal windows, metal window sections, and metal doors." NOTE: The purpose of this republication is to show the commodity description in (4) above as *all crated* in lieu of all uncrated as previously published. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 124353 (Sub-No. 1), filed November 14, 1966. Applicant: B & S HAULERS, INC., Box 2161, Highway 441,

Sylva, N.C. 28779. Applicant's representative: Robert R. Williams, Jr., 4 South Pack Square, Post Office Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Macon, Jackson, Swain, and Cherokee Counties, N.C. NOTE: Application states tacking would be effected at Franklin, N.C., Macon County, Nantahala, Macon County, and the site of W. C. Hennessee Lumber Co. near Sylva, Jackson County, N.C., to Washington County, Tenn. If a hearing is deemed necessary, applicant requests it be held at Asheville or Charlotte, N.C., or Atlanta, Ga.

No. MC 124657 (Sub-No. 4), filed November 10, 1966. Applicant: MINNESOTA TRUCKING, INC., 266 Third Avenue SE., St. Paul, Minn. 55112. Applicant's representative: Will S. Tomljanovich, 2327 Wycliff, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, parts, and attachments* (other than farm tractors or self-propelled farm machinery), from Hopkins, Minn., to points in Colorado, Idaho, Oregon, Utah, Washington, and Wyoming, under contract with Farmhand Division of Daffin Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126537 (Sub-No. 13), filed November 7, 1966. Applicant: KENT I. TURNER, KENNETH E. TURNER, and ERVIN L. TURNER, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21132, Staniford Field, Louisville, Ky. 40219. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Broken or faulty appliance parts, and broken or faulty machine parts* used in the manufacture of appliances, from the site of the General Electric Co. plant at Appliance Park, Jefferson County, Ky., to points in Indiana, Michigan, Illinois, and Ohio, (2) *repaired or replacement parts* for machinery used in the manufacture of appliances, from points in Indiana, Michigan, Illinois, and Ohio, to the site of the General Electric Co. plant at Appliance Park, Jefferson County, Ky., and (3) *supplies, parts, and equipment* used in the manufacture of appliances, from points in Indiana, Michigan, Illinois, and Ohio, to the site of the General Electric Co. plant at Appliance Park, Jefferson County, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 128075 (Sub-No. 6), filed November 10, 1966. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed, and ingredients thereof, and calf feed, including ingredients thereof*, from

New Holstein, Wis., to points in Minnesota, North Dakota, South Dakota, Iowa, Montana, Idaho, Washington, Nebraska, Wyoming, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 128363 (Sub-No. 1), filed November 14, 1966. Applicant: ROY E. VAUGHN, 110 Cross Street, Erwin, Tenn. 37650. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, between Erwin, Tenn., and Tri-City Airport, near Bristol, Tenn.; from Erwin over U.S. Highway 23 through Johnson City, Tenn., to junction Tennessee Highway 37, thence over Tennessee Highway 37 to Tri-City Airport, and return over the same route, serving no intermediate points, restricted to traffic having an immediate prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128587 (Sub-No. 1), filed November 14, 1966. Applicant: JOSEPH EDGAR CURTIN, doing business as CURTIN'S AIRFREIGHT, 825 Las Galinas, Post Office Box 4084, San Rafael, Calif. 94903. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 23, San Francisco, Calif. 94102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between San Francisco International Airport, San Francisco, Calif., on the one hand, and, on the other, points in Marin and Sonoma Counties, Calif., on traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 128671, filed October 27, 1966. Applicant: LOUIE W. FELTS, Rural Delivery No. 1, Lake Ariel, Pa. 18436. Applicant's representative: Thomas J. Jones, 502-505 Brooks Building, Scranton, Pa. 18503. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tallow and tallow products*, from points in Pittston Township, Luzerne County, Pa. to Jersey City, N.J., and points in New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton or Philadelphia, Pa.

No. MC 128691, filed November 7, 1966. Applicant: P. & B. TRANSPORT, LTD., 2140 Mitchell Road, Richmond, British Columbia, Canada. Applicant's representative: Paul Borsuk, 411 Southeast Marine Drive, Vancouver, British Columbia, Canada. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and household goods as defined by the Commission), between Tacoma, Wash., and the ports of entry

on the international boundary line between the United States and Canada located at Blaine, Wash., and near Aldergrove, British Columbia, Canada, as follows: From Tacoma over Interstate Highway 5 or U.S. Highway 99 via Bellingham to Blaine (also from Bellingham over Alternate U.S. Highway 99 to the port of entry near Aldergrove), and return over the same routes, serving the intermediate point of Seattle, Wash., restricted to shipments moving in foreign commerce only which originate at or are destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

No. MC 128693, filed November 7, 1966. Applicant: VICENTE R. RODRIGUEZ, 3809 West Buckeye Road, Phoenix, Ariz. 85009. Applicant's representative: John H. Lyons, 2727 North Central Avenue, Phoenix, Ariz. 85004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed supplements*, between Chandler and Phoenix, Ariz., and points in the Los Angeles Harbor Zone, Los Angeles commercial zone, San Gabriel and El Centro, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 128694, filed November 2, 1966. Applicant: LEO C. TAYLOR, Des Plaines, Ill. 60018. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Sheboygan, and La Crosse, Wis., St. Louis, Mo., and Fort Wayne, Ind., to Chicago, Ill., and empty bottles and containers, on return, under contract with Charter Beers of America, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128695 (Sub-No. 1), filed November 9, 1966. Applicant: JORDARO TRANSPORTATION CO., INC., 15 Jean Place, Syosset, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are used or dealt in by manufacturers of chemicals, pharmaceuticals, drugs, paint, rubber, cosmetics, plastics, and cement products* (except commodities in bulk), from New York, N.Y., and points in the port of New York Harbor, as defined by the Interstate Commerce Commission, to New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and points in New Jersey, under contract with Smith Chemical & Color Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128700, filed November 9, 1966. Applicant: PAPER TRANSPORT CO., a corporation, State Road, New Castle, Del. Applicant's representative: Carl Goldstein, 200 West Ninth Street, Wilmington, Del. Authority sought to operate

as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between all corrugated box plants and industries using paper and paperboard located at points in New York, Pennsylvania, New Jersey, Virginia, Connecticut, Massachusetts, Ohio, North Carolina, South Carolina, Maryland, and the District of Columbia. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 110832, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., Philadelphia, Pa., or Baltimore, Md.

No. MC 128703, filed November 10, 1966. Applicant: JAMES A. STOCKER, doing business as STOCKER TRUCKING, Box 57, Port Washington, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Excelsior*, from Gnadenhutten, Ohio, to points in Pennsylvania and Kentucky, under contract with American Excelsior Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 74 (Sub-No. 7), filed November 14, 1966. Applicant: VALLEY TRANSIT COMPANY, INC., 219 North A Street, Post Office Box 1870, Harlingen, Tex. 78550. Applicant's representative: Rogers Kelley, 316 South Clossner, Post Office Box 390, Edinburg, Tex. 78539. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, (1) between Mission and Brownsville, Tex.; over U.S. Highways 83 and 77 (also over U.S. Expressway 83, including all frontage roads paralleling said expressway, and all access and lateral roads connecting said expressway with U.S. Highway 83, to Brownsville), (2) between McAllen and Edinburg, Tex.; from McAllen over Texas Highway 336 to junction Texas Highway 107, thence over Texas Highway 107 to Edinburg, and return over the same route, (3) between Pharr and Edinburg, Tex., over U.S. Highway 281, (4) between Edinburg and Harlingen, Tex.; from Edinburg over Texas Highway 107 to junction U.S. Highway 77, thence over U.S. Highway 77 to Harlingen, and return over the same route, and (5) between junction U.S. Expressway 83 and Texas Highway 100 and Brownsville, Tex.; from junction U.S. Expressway 83 and Texas Highway 100, over Texas Highway 100 to Los Fresnos, Tex., thence over Texas Farm-to-Market Road 1847 to Brownsville, and return over the same route, serving all intermediate points in (1), (2), (3), (4), and (5) above. NOTE: Applicant states it intends to tack all services proposed herein at McAllen and Mission, Tex., with presently held authorized authority in MC 74 serving points in Texas. Common control may be involved. If a hear-

ing is deemed necessary, applicant does not specify a location.

No. MC 668 (Sub-No. 89), filed November 15, 1966. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Hasbrouck Heights, N.J., and North Bergen, N.J., from junction New Jersey Highway 17 and U.S. Highway 46 at Hasbrouck Heights, N.J., over New Jersey Highway 46 to junction New Jersey Turnpike in Ridgefield, N.J., thence over New Jersey Turnpike to New Jersey Turnpike Interchange 17 in Secaucus, N.J., thence over New Jersey Turnpike Interchange 17 ramps to junction New Jersey Highway 3 in North Bergen, N.J., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.* NOTE: Applicant requests it be authorized to join the authority sought herein to its existing authority at New Jersey Highway 17, in Hasbrouck Heights, N.J., and at New Jersey Highway 3, in North Bergen, N.J., for purpose of joinder only. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 93003 (Sub-No. 52), filed November 9, 1966. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60 East, Huntington, W. Va. 25703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles (except those commodities which are building materials and those commodities which because of their size or weight require the use of special equipment), from Huntington, W. Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.*

No. MC 114364 (Sub-No. 129), filed November 9, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, from Springdale, Ark., to points in Texas.*

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-12874; Filed, Nov. 30, 1966; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 28, 1966.

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. 40798—*Sulphuric acid to Panama City, Fla.* Filed by O. W. South, Jr., agent (No. A4962), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from New Orleans, La., Copperhill and Tyner, Tenn., to Panama City, Fla.

Grounds for relief—Rate relationship. Tariff—Supplement 2 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40799—*Sulphuric acid to Panama City, Fla.* Filed by O. W. South, Jr., agent (No. A4963), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Panama City, Fla.

Grounds for relief—Rate relationship. Tariff—Supplement 2 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40800—*Sulphuric acid to Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A4964), for and on behalf of Southern Railway Co. Rates on sulphuric acid, in tank carloads, from Le-Moyne, Ala., to Brunswick, Ga.

Grounds for relief—Rate relationship. Tariff—Supplement 2 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40801—*Sulphur to East Danville, Va.* Filed by Southwestern Freight Bureau, agent (No. B-8922), for interested rail carriers. Rates on crude and refined sulphur, in carloads, from points in Louisiana and Texas, to East Danville, Va.

Grounds for relief—Market competition.

Tariff—Supplement 311 to Southwestern Freight Bureau, agent, tariff ICC 4177.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-12939; Filed, Nov. 30, 1966; 8:49 a.m.]

[Notice 293]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 28, 1966.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on

the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59367 (Sub-No. 50 TA), filed November 22, 1966. Applicant: DECKER TRUCK LINES, INC., Highway 20 East, Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, Post Office Building, Des Moines, Iowa 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Meat and packinghouse products from plantsite of American Beef Packers, Inc., near Oakland, Iowa, to points in Minnesota and Wisconsin, for 180 days. Supporting shipper: American Beef Packers, Inc., U.S. Highway 59, Oakland, Iowa, 50560. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.*

No. MC 94350 (Sub-No. 172 TA), filed November 22, 1966. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, 210 West McBee Avenue, Greenville, S.C. 29602. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Mobile homes, designed to be drawn by passenger automobiles, in initial movements, from Schuylkill Haven, Chambersburg, Clarion, Lewistown, Claysburg, Renovo, Selinsgrove, Pennsylvania, to points in South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Washington, D.C., Missouri, Delaware, Indiana, Ohio, New Jersey, Michigan, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island, for 180 days. Supporting shippers: Glen Manor Homes, Inc., Edwardsville, Pa.; Mobile Homes Division, Divco-Wayne Industries, Inc., South Renovo, Pa.; Princess Homes, Inc., Selinsgrove, Pa.; Great Lakes-Van Dyke Mobile Homes, Chambersburg, Pa. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C. 29201.*

No. MC 107496 (Sub-No. 514), filed November 22, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Asphalt, liquid, in bulk, from plantsites of Witco Chemical at Hammond, Ind., and Lawrenceville, Ill., to Coplant, Nebr., for 180 days. Sup-*

porting shipper: Witco Chemical, Organic Chemicals Division, 6200 West 51st Street, Chicago, Ill. 60638. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Building, Des Moines, Iowa.

No. MC 113362 (Sub-No. 130 TA), filed November 22, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Foodstuffs*, from Hamlin, Hooley, and Williamson, N.Y., to points in Wisconsin, Iowa, Minnesota, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Illinois, and Kentucky, for 180 days. Supporting shipper: Duffy-Mott Co., Inc., 370 Lexington Avenue, New York City, N.Y. 10017. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 115162 (Sub-No. 141 TA), filed November 22, 1966. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025-2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Plywood, wood flooring, wood siding, paneling, wallboard, and accessories (including molding and paint stain used in the installation of the above commodities)*, from Charlotte, N.C., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Louisiana, for 180 days. Supporting shipper: Vancouver Plywood Co., Prefinished Products Division, Post Office Box 8280, Charlotte, N.C. 28208. Send protests to: M. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 116474 (Sub-No. 7 TA), filed November 22, 1966. Applicant: LEAVITT'S FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Ore. 97477. Applicant's representative: Earle V. White, Fifth Avenue Building, Portland, Ore. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Laminated wood products, prefabricated wood products, prefabricated wood timbers, trusses, and beams, and accessories used in the erection, construction, and completion of the foregoing when shipped therewith* from Drain, Ore., to points in Washington, for the account of Duco-Lam, Inc., for 180 days. Supporting shipper: Duco-Lam, Inc., Post Office Box 297, Drain, Ore. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore.

No. MC 117698 (Sub-No. 2 TA), filed November 22, 1966. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Frozen foods and processed meats*, from New York City, N.Y., to Oneonta, N.Y.; *cheese and processed cottage cheese products*, from St. Albans, Vt., to the following cities in the State of New York: Auburn, Norwich, Saratoga, Syracuse, Cortland, Ithaca, Elmira, Waverly, Owego, Binghamton, Sidney, and Oneonta. *Silos and wood laminated beams, saddles, arches, decking, and fixtures* for construction of buildings having wood laminated arches and beams, from Sidney, N.Y., and Unadilla, N.Y., to the construction jobsite of the designate consignee, wherever located in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, West Virginia, Indiana, Michigan, and Ohio, for 180 days. Supporting shippers: Simonson Bros. Ice Cream, Inc., Oneonta, N.Y.; Unadilla Silo Co., Unadilla, N.Y.; Unadilla Laminated Products Co., Unadilla, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 120543 (Sub-No. 49 TA), filed November 22, 1966. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1297, U.S. 301 North, Dade City, Fla. 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Outboard motors, power lawn mowers, power chain saws, power head assemblies, and other products of Outboard Marine and parts thereof*, from ports of entry at the international boundary between the United States and Canada to points in Florida, for 180 days. Supporting shipper: Outboard Marine Corp. of Canada, Ltd., Peterborough, Canada. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 120543 (Sub-No. 50 TA), filed November 22, 1966. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1297, U.S. 301 North, Dade City, Fla. 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Grain flour (breeding)*, from ports of entry at the international boundary between the United States and Canada, originating at points in Ontario, Canada, to points in Florida and Georgia, for 180 days. Supporting shipper: The Griffith Laboratories, Ltd., 757 Pharmacy Avenue, Scarborough, Ontario, Canada. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Com-

merce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 128473 (Sub-No. 2 TA), filed November 22, 1966. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Applicant's representative: Joseph F. Meglen, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Frozen foods and articles dealt in and distributed by wholesale grocers*, between points in Montana, on the one hand, and, on the other, points in California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, Nevada, Oregon, Utah, Washington, and Wisconsin, for 180 days. Supporting shippers: F. T. Reynolds Co., 123 West Towne, Glendive, Mont. 59330; Cooney Brokerage Co., 600 South Arizona Street, Butte, Mont. 59701; Miles City Mercantile Co., 419 North Ninth, Miles City, Mont. 59301; Associated Grocers, Post Office Box 1980, Billings, Mont. 59103. Send protests to: Paul J. Lababe, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128473 (Sub-No. 3 TA), filed November 22, 1966. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Applicant's representative: Joseph F. Meglen, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat and packinghouse products and articles dealt in and distributed by packinghouses*, between Billings, Mont., on the one hand, and, on the other, points in California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, Nevada, Oregon, Utah, Washington, and Wisconsin, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. 59103. Send protests to: Paul J. Lababe, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont.

No. MC 128669 (Sub-No. 2 TA), filed November 22, 1966. Applicant: A. E. MORRIS, Route 3, Virgilina, Va. 24598. Applicant's representative: McGlothlin and McGlothlin, Halifax, Va. 24558. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Crushed stone and plant mix granular asphalt in bulk*, in dump trucks, and dump trailer from W. E. Graham Quarry (otherwise known as Vulcan Materials Company Quarry), 3 miles north of South Boston, Va., to Roxboro, N.C., and to points in Person and Granville Counties, N.C.; from Southern Material Quarry one-fourth mile from Bracey in Mecklenburg County, Va., to points in Warren, Granville, and Vance Counties, N.C.; from a quarry 2 miles north of Buggs Island, Mecklenburg County, Va., to points in

Vance and Granville Counties, N.C.; from a quarry 2 miles east of Edgerton near Lawrenceville, Brunswick County, Va., to points in Warren County, N.C., for 180 days. Supporting shipper: Thompson-Arthur Paving Co., Greensboro, N.C. 27400. Send protests to: George S. Hales, District Supervisor, Bureau of Operations and Compliance, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 128706 TA, filed November 22, 1966. Applicant: CLYMERS' ROSE GLEN DAIRY, INC., 301 Santa Clara Avenue, Grand Junction, Colo. 81501. Applicant's representative: Eugene H. Mast, First National Bank Building, Grand Junction, Colo. 81501. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, as follows: *Milk, cream, ice cream, eggs and cheese*, from Grand Junction, Colo., to Moab, Utah, and return, over Highway 50 to Crescent Junction, Utah, thence Utah Highway 160 to Moab, Utah. NOTE: Occasional movement of excess commodities may be made by returning the same from Moab to Grand Junction, for 180 days. Supporting shipper: Arden Meadow Gold Dairies, 225 Main Street, Grand Junction, Colo. 81501. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128708 TA, filed November 22, 1966. Applicant: HARLAN M. JOHNSON, 629 South Louisiana, Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 206 Brick & Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Poultry and animal feeds and ingredients* from Mankato, Minn., to points in Iowa in an area lying on and east of Iowa Highway 44, on and north of Iowa Highway 3 and on and west of U.S. Highway 63, over irregular routes, and *ground limestone and dicalcium phosphate* in bags from Alden, Iowa, to Waseca, Blue Earth, Mower, Faribault, Freeborn, Steel, and Dodge Counties, Minn., for 180 days. Supporting shipper: Carroll Sales Co., Inc., 600 Fourth Street SW., Mason City, Iowa 50401. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128709 (Sub-No. 1 TA), filed November 22, 1966. Applicant: PARIS MOTOR FREIGHT, INC., 1211 South Ninth Street, Fort Smith, Ark. 72901. Applicant's representative: Jim Jones, 204 North Elm Street, Sallisaw, Okla. 74955. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Subiaco, Ark., and Fort Smith, Ark., serving all

intermediate points over Arkansas Highway 22 for 150 days. Supporting shippers: Paris Manufacturing Co., Inc., Paris, Ark.; Dennis Freeman TV & Appliance Store, Paris, Ark.; Standard Coffee Co., Ratcliff, Ark.; Wells Furniture Co., Paris, Ark.; Eagle Drug Co., Paris Ark. Send protests to: D. R. Partney, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2519 Federal Building, Little Rock, Ark. 72201.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-12940; Filed, Nov. 30, 1966;
8:49 a.m.]

[Notice 1446]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 28, 1966.

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-68839. By order of November 22, 1966, the Transfer Board approved the transfer to Des Moines Transfer & Storage Co., a corporation, Des Moines, Iowa, of certificate No. MC-80011, issued September 5, 1940, to Theodore L. Juber, Des Moines, Iowa, and authorizing the transportation of household goods, over irregular routes, between Des Moines, Iowa, on the one hand, and, on the other, points and places in Illinois, Minnesota, and Nebraska. Russell H. Wilson, 3839 Merle Hay Road, Des Moines, Iowa 50310, attorney for applicants.

No. MC-FC-69075. By order of November 21, 1966, the Transfer Board approved the transfer to Lyman L. Davis, doing business as Bickel Bus Line, Norton, Kans., the operating rights in certificate No. MC-57695 (Sub-No. 2) issued August 14, 1951, to N. C. Bickel, doing business as Bickel Bus Lines, Westview Gardens, Dodge City, Kans. 67801, authorizing the transportation, of: Passengers and their baggage, express, mail, and newspapers, in the same vehicle, between Norton and Dodge City, Kans., over specified regular routes, serving all intermediate points.

No. MC-FC-69163. By order of November 22, 1966, the Transfer Board approved the transfer to Augie Passieu

Trucking, Inc., Cecil, Pa., of the operating rights in permit No. MC-125385, issued January 24, 1964, to August Passieu, Cecil, Pa., authorizing the transportation, over irregular routes, of plasticizer, foundry binders, foundry flours and sands, solvents, oils, and certain chemicals, in drums or bags, between Muse, Pa., on the one hand, and, on the other, specified points in Illinois, New York, Massachusetts, Connecticut, Ohio, Michigan, and Wisconsin, varying with the commodities transported, with certain restrictions. Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-69215. By order of November 21, 1966, the Transfer Board approved the transfer to F. & F. Trucking Co., Inc., Brooklyn, N.Y., of certificate No. MC-44324, issued September 30, 1966, to Charles Zambuto, doing business as F. & F. Trucking Co., Brooklyn, N.Y., and authorizing the transportation of general commodities, with usual exceptions, between points in Passaic, Union, Essex, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y. Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-12941; Filed, Nov. 30, 1966;
8:47 a.m.]

[Notice 1446-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 29, 1966.

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-69229. By order of November 29, 1966, the Transfer Board approved the transfer to McKinlay Transport, Ltd., Toronto, Ontario, Canada, of certificate in No. MC-119265, issued January 20, 1966, to Joseph Harrison Transport, Ltd., Toronto, Ontario, Canada, and authorizing the transportation of: General commodities, with usual exceptions, between ports of entry on the United States-Canada boundary line on the Niagara River, on the one hand, and, on the other, Niagara Falls and Buffalo, N.Y. Walter H. Bieneman,

Suite 7000, 1 Woodward Avenue, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-69269. By order of November 29, 1966, the Transfer Board approved the transfer to McGuire Lumber and Supply, Inc., Wylliesburg, Va., of

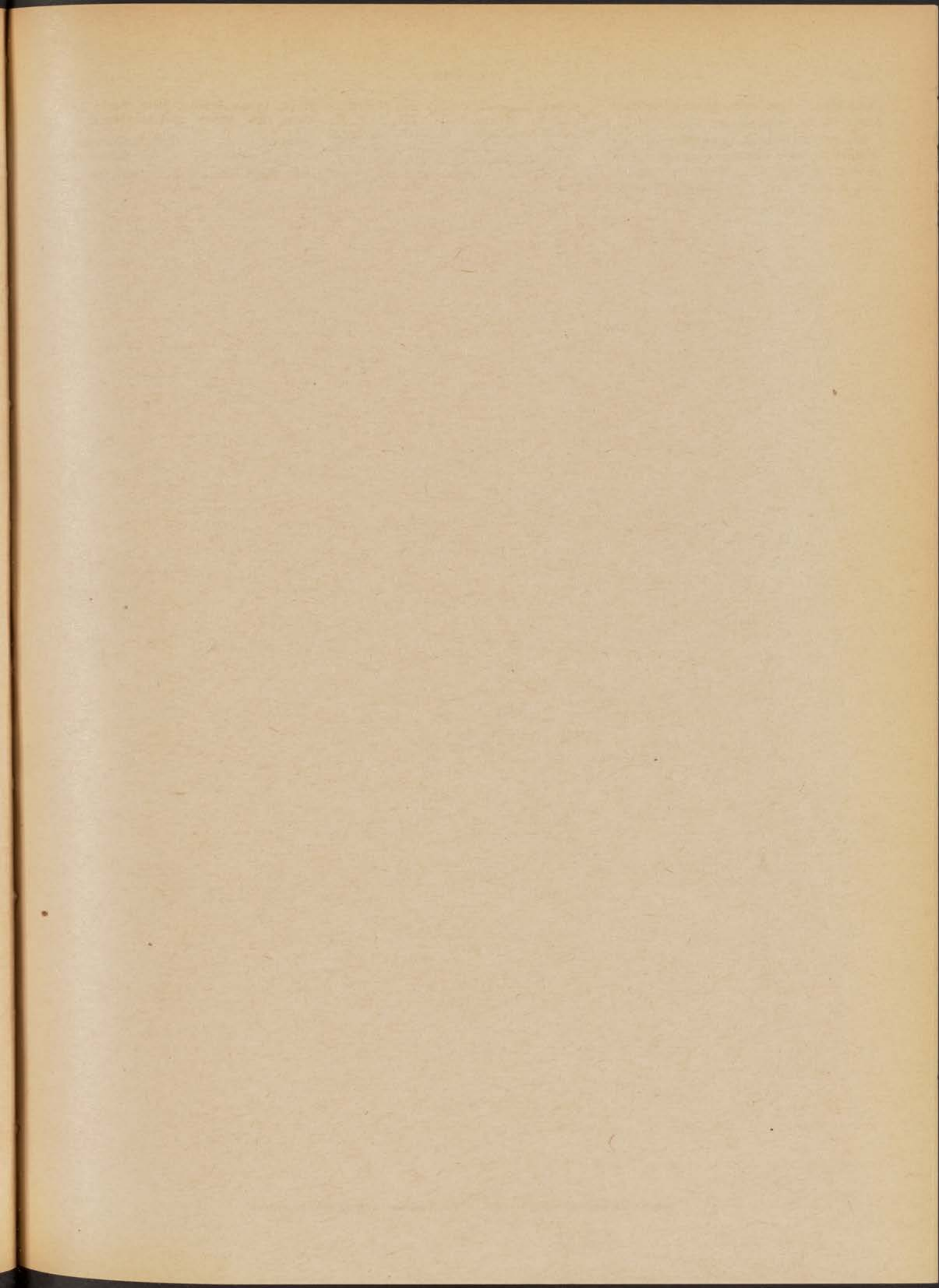
the operating rights in Permit No. MC-119182, issued August 25, 1960, to P. R. McGuire and Eleanor S. McGuire, doing business as McGuire Lumber Service, Wylliesburg, Va., authoring the transportation of: Lumber, from plantsites near Sutherlin, Va., to points in West Vir-

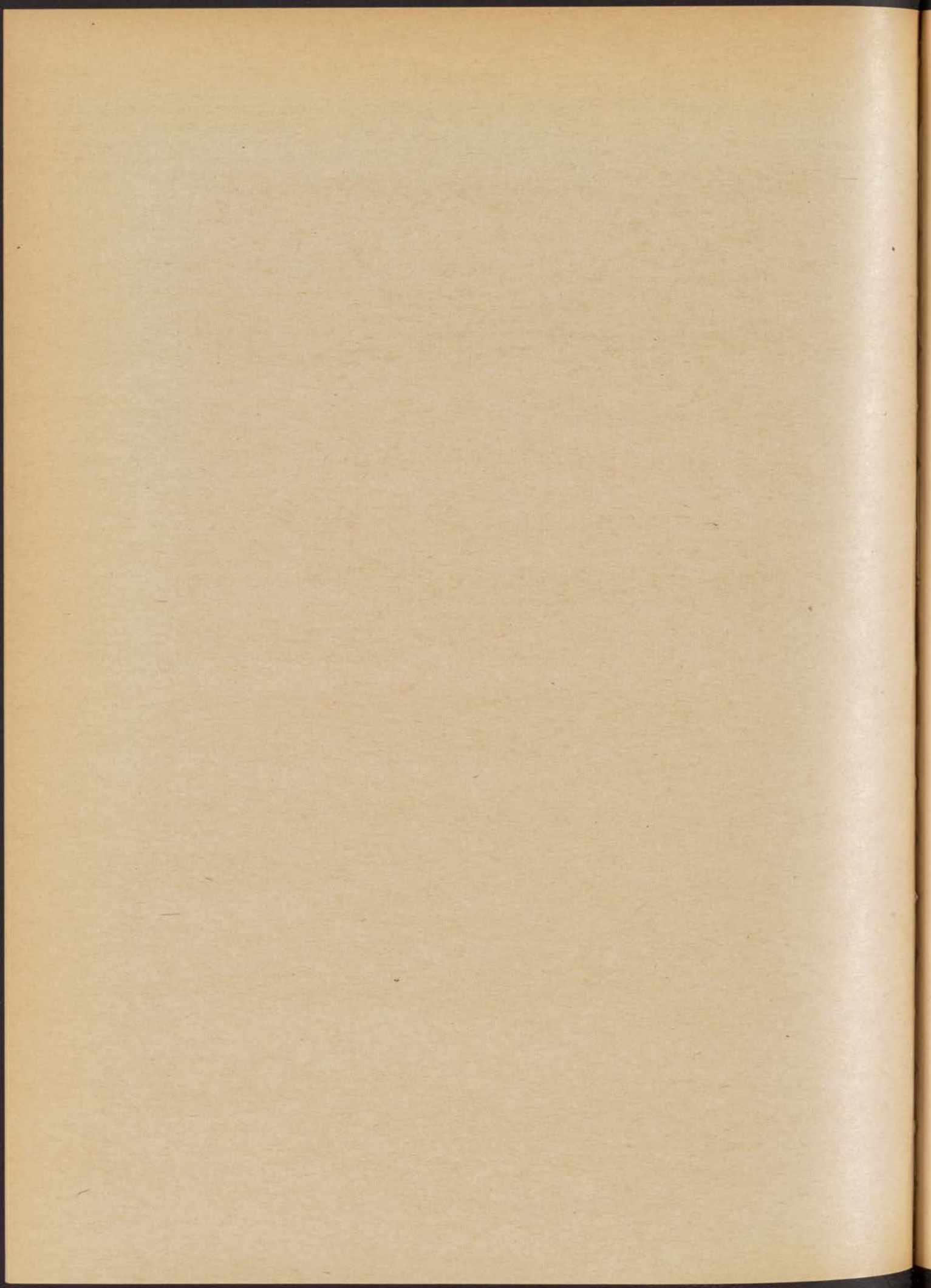
ginia, Pennsylvania, New York, Delaware, New Jersey, and Maryland.

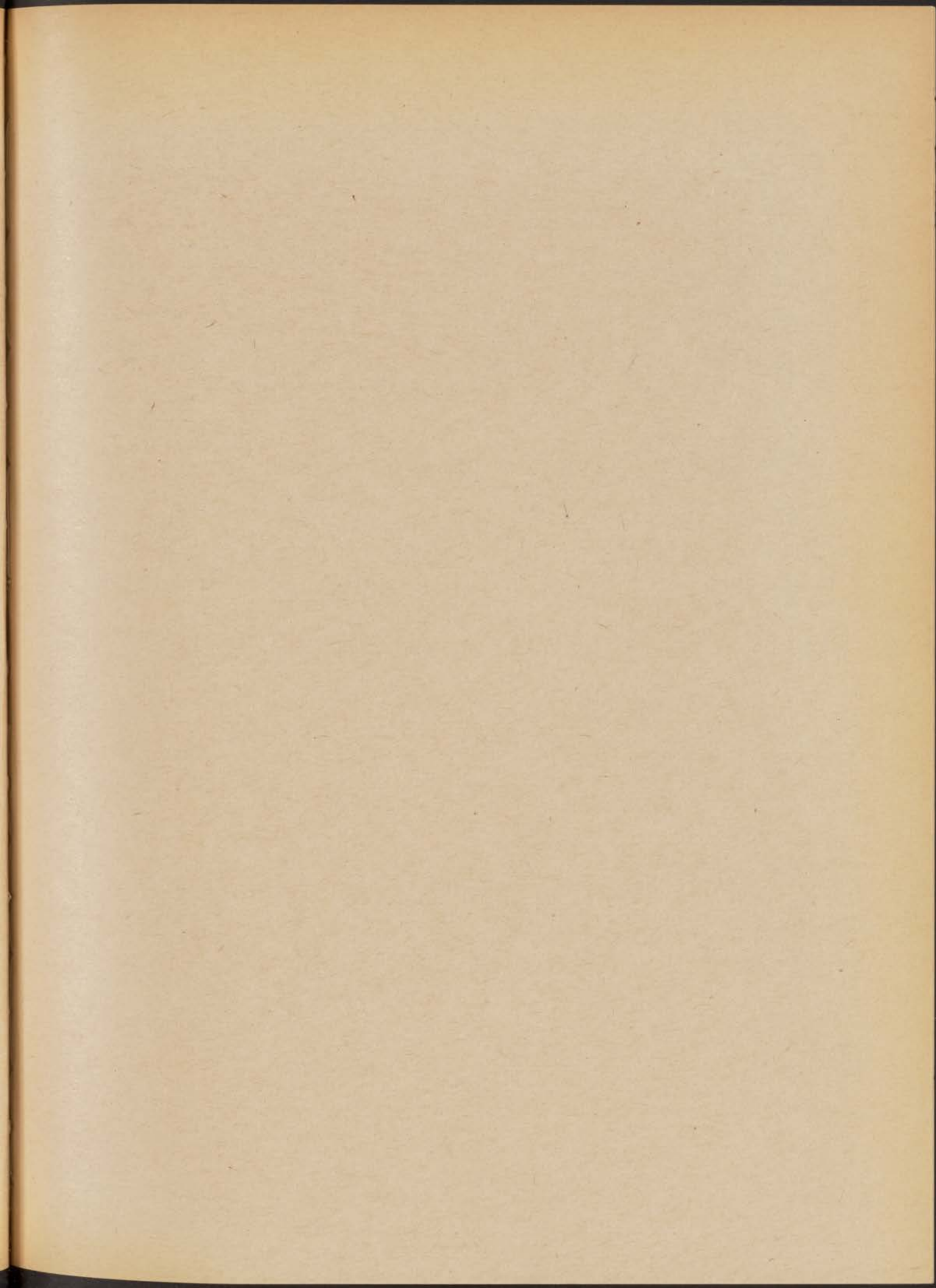
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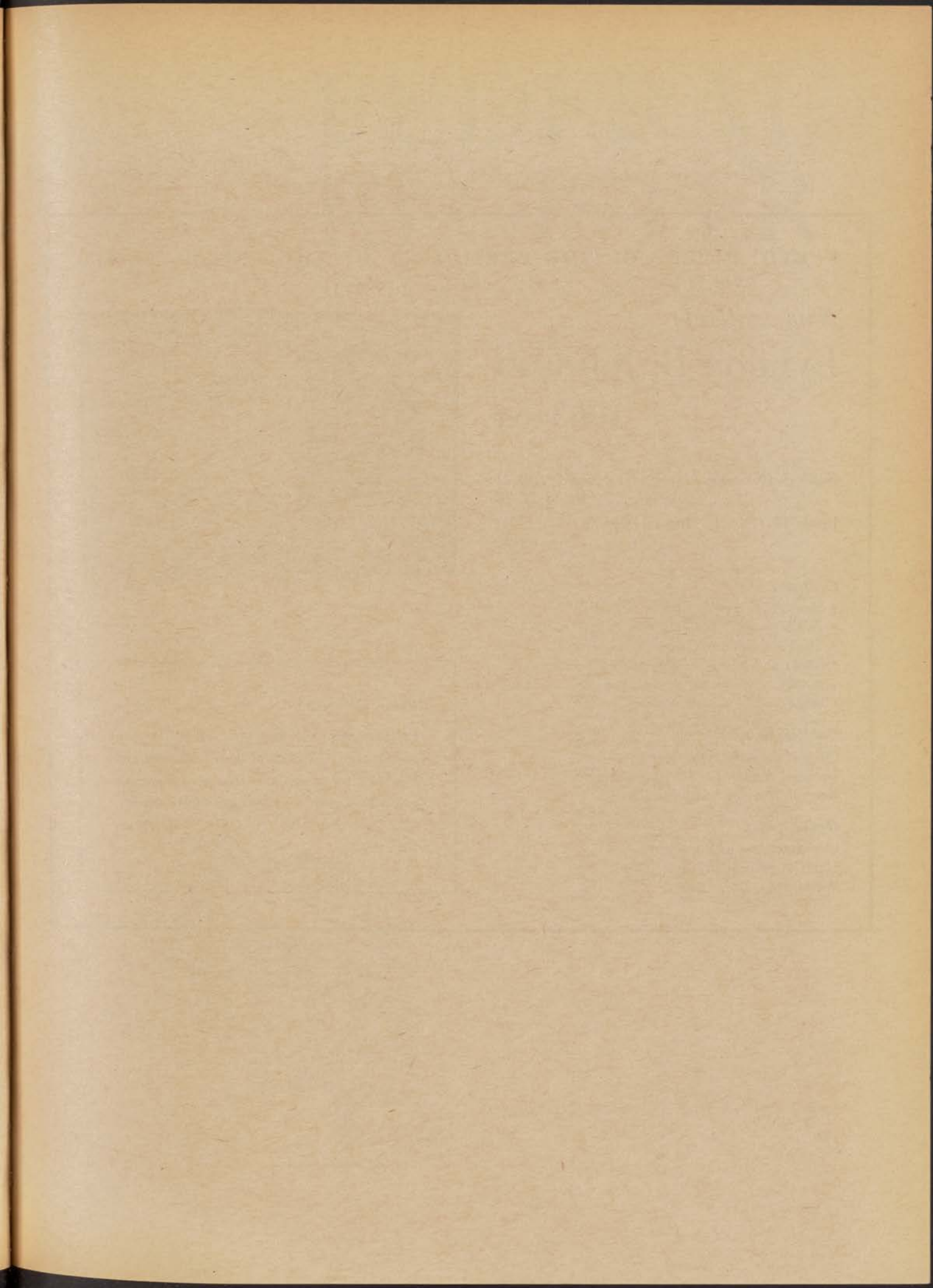
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[F.R. Doc. 66-12998; Filed, Nov. 30, 1966;
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